

Fray Luis de León, O.S.A. :

Notebook on the Promises of the Old Law

I.

The first purpose of this modest presentation is to make available an important yet hitherto obscure work of a most admirable Augustinian, Fray Luis de León (1527?-1591). More desirable would be an edition of his entire commentary on St. Thomas' articles concerning the Old and New Laws to complement the edition of Sr. Luciano Pereña. This worthwhile contribution deals with the quaestions on law excluding those of revelation, i.e. *Summa Theologiae*, I-II, 90-88 ¹). St. Thomas' commentary on the Old Law begins with Question 99, and part of this and part of the next question form the subject matter of Fray Luis' commentary in the *Notebook*. The present and long overdue publication is of a significant work of this famous Salamanca doctor.

Four hundred years ago, on 27 March, 1572, Fray Luis de León was consigned to an Inquisitorial prison on charges of judaizing ²). He was one of three Salamanca Hebraists arrested at that time. The others were Gaspar de Grijal and Martín Martínez de Cantalpiedra. In 1577, alone of the three, he was still alive to be restored to the University, acquitted by the *Suprema* in Madrid.

The records of that trial tell us something of the present manuscript which is part of a lecture given from the Durandus chair of theology in 1571 ³). In the opinion of the learned editor of Fray Luis' latin manuscripts, Father Marcelino Gutiérrez, O.S.A., this manuscript, Real Academia de la Historia 9/2081, fols. 1176v-187v, represents a

¹) Cf. Fray LUIS DE LEÓN, *De legibus ó tratado de la leyes*, 1571. Madrid : Consejo Superior de Investigaciones Científicas (CSIC), Luciano Pereña, ed., 1963.

²) Cf. A.F.G. BELL, *Luis de León*. Barcelona : Arluce, 1927.

³) Cf. MIGUEL SALVÁ and PEDRO SAINZ DE BARANDA, eds., *Documentos inéditos para la historia de España*. Madrid : Calero, 1847. Vols. X and XI. (abbr. *Doc. ined.*) Salvador MUÑOZ IGLESIAS, *Fray Luis de León, teólogo*. Madrid : CSIC, 1950, pp. 23, 56-59.

selection which Fray Luis himself prepared and submitted to the Inquisitors ⁴).

Fray Luis' own written references to this material, as Father Gutiérrez and others have noted, correspond exactly to what is contained in this fragment. It was found among papers he declared to be his own and which he had submitted for his defense. Though the copy is not in his hand, there is one note clarifying a passage. This, Father Gutiérrez suggested, is in his own hand ⁵). However, among his scholarly remarks he makes no note of certain underscorings and brackets or lines in the margins of some of the folios which indicate certain passages are for special attention ⁶). These may well have been made by Inquisitorial authorities, as I think most likely, though they may be Fray Luis' or even a later defacement. The passages indicated refer to Fray Luis' differences with the suspect views of Grijal which, as he stated was a motive for which he had submitted a record of his own lecture on the disputed point.

The original lecture, Fray Luis testified, was given before more than two hundred auditors ⁷). Yet, only one integral copy of the whole lecture survives, and of this Father Gutiérrez had, unfortunately, no knowledge. Strangely, he did not edit the fragment which I am calling the *Notebook on the Promises of the Old Law* with the rest of the material for the publication of which he was responsible. Only the propositions were reproduced by him and they have appeared twice since, in a work by Salvador Muñoz Iglesias, and Sr. Pereña's *De legibus* ⁸). This English translation is the first edition of whole fragment.

II.

The second purpose is to have occasion to make clear Fray Luis' own interpretation of St. Thomas on the question of the indispens-

⁴) Marcelino GUTIÉRREZ, O.S.A., «Escritos latinos de Fr. Luis de León», *La Ciudad de Dios*, XXII (1890), pp. 96-102. Father Gutiérrez did not identify it by this number.

⁵) MS, *Real Academia de la Historia*, 9/2081, fol. 178v. This is a clarification of the important first proposition wherein Fray Luis agrees with Grijal.

⁶) *Ibid.*, fols. 181, 181v., 182.

⁷) *Doc. ined.*, X, p. 491ff.

⁸) Cf. GUTIÉRREZ, *loc. cit.*, p. 97.

⁹) MUÑOZ, *loc. cit.* Fray Luis, *De legibus*, pp. xxx-xxxi.

ability of the Decalog and, at the same time, the basis of the moral obligation natural law imposes. These central questions are not easily answered by a reading of the part of *De legibus* edited by St. Pereña.

No one, to my knowledge, has questioned the authenticity of this fragment. Yet, the only scholarly attention it has attracted in many years is its value as a confirmation of the reliability of the Coimbra manuscript of his *De legibus*¹⁰). Its doctrinal content has never received comment for its own sake beyond what Fray Luis himself offered to the Inquisition by way of dissociating himself from Grijal's view that the Old Law makes no explicit and literal reference to eternal life. Since this fragment is not a random selection, but was edited in this form by its author, its themes deserve special attention. For this reason also, I have given it a special title.

As Sr. Pereña has brought to light, Fray Luis' most original ideas in the treatise *De legibus* are, in part, occasioned by his explicit refusal to accept the view of Domingo Soto, O.P., that *jus gentium* obliges simply because it is based on the natural law of reason¹¹). The objection is that if it were so, the definition of natural law and *jus gentium* would be the same and that, as a result, the Decalog would be dispensable by any single nation. This, Fray Luis says, is impossible.

The indispensability of the Decalog, the moral Law of Moses, is upheld by Fray Luis and is the problem treated in the *Notebook*. This thesis was a point of agreement among Thomists and Fray Luis' arguments favoring it are not much different than those found in Soto or in St. Thomas himself. His targets are the usual ones, Scotus and

¹⁰) *Ibid.* Another MS, *De legibus*, attributed by Pereña to Fray Luis is Vatican Library, *Ottob. Lat.* 1.004. This is partly illegible.

¹¹) Cf. Fray Luis, *De legibus*, pp. xlix-lxvii, 82: VI, 15. Fray Luis says: «To explain this matter Soto in the book *De Justitia de Jure*, seems to distinguish natural law from the law of nations in this manner: the first principles which have been impressed upon human beings by nature itself and which men know without reasoning, pertain only to the natural law. The conclusions on the other hand which are thence deduced pertain to the law of nations. This opinion is by no means able to be maintained: First, because it would result therefrom that the precepts of the Decalog also would be of the law of nations, because all of them are conclusions deduced by necessary consequence from the principles of the natural law by means of reasoning. And this is evidently false and I prove it: Any political community alone can take away and suppress what is of the law of nations; no community on the other hand is able to do away with the precepts of the Decalog or any of the precepts of the natural law». My translation. It is interesting to see Suárez make the same objection (*De lege et Deo Legislatore*, II, 17, 8).

Ocham. The question in itself, however, though «celebrated and debated, is not especially difficult or useful», according to the author ¹²).

All Thomists regard the Decalog as obligatory and indispensable as natural law. Soto argued that the Decalog obliges purely as a deduction from the first moral principles of reason ¹³). Fray Luis' objection on this point indicates that his interpretation of St. Thomas about the obligation imposed in the Decalog differs. If the Commandments are dispensable as *jus gentium*, then they are dispensable as natural law for according to Soto, both laws are defined in the same way, even if *jus gentium* is also positive law. Such figures as Francisco Vitoria and Melchor Cano had previously reargued *jus gentium* as obliging because of positive command, not as deduced from moral reason. And in this they are seen to differ from St. Thomas as does Fray Luis who sees it as natural law only conditionally.

An important point clarified both by the matter treated in the fragment and the form it received by the use to which the author put it is how he saw the Decalog as obligatory. Unquestionably the Decalog is a demand of reason for him. But this is not an adequate basis in view of his criticism of Soto. The key to his view can be found in the objections Fray Luis levels, not at Soto, but at Calvin.

It has to be said that Fray Luis never challenged the theological doctrine of Soto, his own teacher. There is no evidence they were on intimate terms, but Soto was the Augustinian's sponsor at his academic promotion in 1560. Later that year the new doctor preached a latin eulogy over the dead Thomist master. So vast was Soto's prestige as a theologian that no one could challenge it and we see in the *Notebook* itself examples of the many occasions when his authority was invoked in defense of Fray Luis' own views.

Soto is the more firmly grounded in St. Thomas on *jus gentium*. But, Fray Luis claimed to be closer to Aquinas on the matter of the Decalog's obligatory character. This is not the occasion to discuss St. Thomas' doctrine. This is an area wherein the Augustinian may

¹²) Cf. *infra*.

¹³) Cf. Domingo DE SOTO, *De Justitia et Jure libri X*. Antwerp : P. Nutium, 1567. I, 5, 4; III, 1, 3. In II, 3, 3, he says : Nam illa generalia praecepta continentur in Decalogo, sunt principia in proximis conclusionibus... Lex Moysi per legem Christi cessare debuit, atque adeo omnino cessavit.

well be the more faithful interpreter of the Common Doctor, if the suggestion will be permitted here.

Fray Luis stated that his own propositions conform to the mind of « St. Paul and the saints and the contrary ones Calvin the heretic holds » ¹⁵). This may well have been. However, in view of his important differences with Soto, the character of his *Notebook* is as clear in the propositions whereby he agrees with Grijal as in the one's that differ. Thus, his selections from the lecture *De legibus* can have a much broader significance as a basis for his defense which is why, I think, so much additional material was included by him.

The first part of the *Notebook* is explicitly an attack on the views of John Calvin regarding the promises of the Old Law. Calvin's name is in the text as well as in Fray Luis' testimony ¹⁴). There are five propositions of his own on this. In the third, fourth and fifth, is developed evidence of his differences with Grijal. The first states his agreement with him and the basis of his own reply to Calvin, and to Soto's interpretation of St. Thomas. All seven objections raised, five of which seem to be from Calvin's *Institutes*, are met in large part by the first two propositions.

The first states the crucial distinction which Fray Luis says Calvin overlooks. Calvin had asserted that as the Mosaic Law was the type of the New Law, so in that Law men were promised eternal rewards. Fray Luis holds that while this is true, it does not follow that the Old Law, considered apart from faith in Christ, did not promise temporal rewards. He goes so far as to say that it is *de fide* that in the Law men were promised temporal rewards for its observance. He notes, of course, that observance of the Law was possible only because of grace through Christ. But, on the account of the observance of the Law itself, as such and apart from grace, no promise of eternal rewards was ever made, but only of temporal ones. This was also Grijal's view.

Calvin denies that temporal rewards follow upon observance of the Mosaic Law (or the Gospel's for that matter). He states this in one of the sections of the *Institutes* to which Fray Luis also alludes. However much the prophets speak of temporal rewards, they did it,

¹⁴) Cf. Muñoz, *Fray Luis*, p. 56.

¹⁵) *Ibid.*; *Doc. ined.*, X, p. 491-2.

¹⁶) *Infra*. Cf. John T. McNEILL, ed. *Calvin: Institutes of the Christian Religion*. Philadelphia: The Westminster Press, 1960. Library of Christian Classics, XX, pp. 434-449; II, 10, 7-23.

Calvin says, to « lift up the minds of the people, above the elements of this world » ¹⁷). Fray Luis finds objectionable the view that Christian faith involves the denial of temporal rewards.

Fray Luis is not interested in Calvin only. If temporal rewards were to follow upon observance of the Mosaic Law, as the Catholics held, the question arises whether the obligation of the Law arose because of the consent of the Hebrews to the ordinances of God, or simply because the Commandments were in substantial agreement with those discovered by natural reason as needful for temporal well-being? In neither case would obedience be possible without grace. The point raised is not directly concerned with this theological issue. Rather it concerns the moral basis upon which the natural law is said to oblige. This was also at issue in the discussion about *jus gentium* where Fray Luis rejected the second alternative, Soto's, as inadequate.

What results from his attack on Calvin is Fray Luis' moral censure of implications both of Calvin's theology and Soto's natural law doctrine. As we can see, Soto's arguments about temporal rewards for the Jews are also the contrary of Fray Luis' proposition *de fide*. This is not so because Soto's view is false. Rather it is stated as true not on account of the faith of the Hebrews, but their conformity with a law of natural reason. Thus, Soto does not differ from Calvin on the impossibility of a distinct moral claim upon temporal rewards by Hebrews who fulfill the Law in Christ. He pointed out to the Inquisition that to hold either contrary of his view is to hold that the Gospel is morally tantamount to Calvinism. Thus, the *Notebook* proposed a moral dilemma wherein the only recourse was to grant the power of his cause.

Fray Luis pinned his life on the belief that the judges would see that his views differed from Grijal's on essential points, and that they would not object to the key proposition whereby he agreed with his fellow Hebraist. If the Inquisition approved of his doctrine, it would at the same time forever call into question the adequacy of Soto's version of the moral basis of the natural law. Acquittal means recognition that the moral basis of the natural law may indeed have been expressed in the consent of the Hebrews to the Law of God, and not just its derivation from reason.

¹⁷) *Ibid.*, p. 447; II, 10, 20.

In the end, Fray Luis' defense was his moral innocence, not just his theological correctness. He argued for all those who observe the Mosaic Law in its moral precepts. This would not be because of what grace adds to their natures, but because they have recognized in their covenant the natural limitations of man's reason in matters of justice. The significance of the *Notebook* is that it points out that the Inquisition would err, morally, if not theologically, in not recognizing that Christ is a divine response to a natural desire of the human heart.

Later, from the Chair of Bible, Fray Luis pictured God, not man, as the avenger of those who transgress his Law ¹⁸). But, he recognized this already in his *Notebook*, and rested his fate upon it. Fray Luis' was one of the few trials where great moral issues were decided. Fewer still were those after which the defendant emerged a hero alive, like Orestes or Jesus, in testimony of God's blessing. When he published his great work, *De los nombres de Cristo*, Fray Luis had himself depicted as a tree spared from the ax ¹⁹). This device also represents his view that the demand of the Hebrews for moral equality in this life is not different from that of all just men, and that the very survival of this ideal even among the gentiles is vindication both of its truth and that Christ has come and rules men spiritually.

III.

The third purpose of this translation is to further document the fact that one of the primary sources of Fray Luis' theology is Pietro Galatino, O.F.M.'s *De Arcanis Catholicae Veritatis* ²⁰). I have argued

¹⁸) Eg. on Deut. 32 : 35. Cf. *Mag. Luysii Legionensis Augustiniani Divinorum Librorum Primi apud Salmanticenses Interpretis Opera nunc ex. Mss. ejusdem omnibus P.P. Augustiniensium studio edita*. Salamanca : Episcopali Calatravae Collegio, 1891-95. Seven Vols. I, pp. 60-86. This is the Marcelino Gutiérrez edition.

¹⁹) Cf. the facsimile from the first edition (1583) reproduced in Fray Luis DE LEÓN, *Obras completas castellanas*. Felix García, O.S.A., ed. Madrid : Biblioteca de Autores de Cristianos, 1957. 4th edition. Two Vols., I, p. 397.

²⁰) The full title is : *Petri Galatini, Opus totus christianae Reipublicae maxime utile, de arcanis catholicae veritatis, contra obstinentiam Judeorum nostrae tempestatis perfidiam : ex Talmud, aliisque hebraicis libris nuper excerptum : et quadriplexi linguarum genere eleganter congestum*. Ortona Maris : Soncino, 1518. There are also editions of 1550 (Basel), 1603 and 1612 (Frankfurt). It is referred to by Suárez. Cf. GEORGE FOOT MOORE, « Notes on the Name IHVH », *American Journal of Theology*, XII (1908), pp. 34-52; ARDUINUS KLEINHANS, « De Vita et Operibus Petri Galatini, O.F.M. » *Antonianum*, I (1926), pp. 145-197, 327-356.

in another place for this, but the incidence of his reliance upon it is so replete that the documentation cannot be called complete ²¹). Basic part of Fray Luis' theory of names in the *De los nombres de Cristo* are found in this book as I will indicate at a later time in connection with his possible influence upon Francisco Suárez, S.J. Also, the *Nombre*: «*Pimpollo*», to take an example, is based on the doctrine of Galatino as is evidenced by a parallel reading of their Scriptural references and commentary. Galatino was not an obscure writer. This book was composed to defend Reuchlin at the request of the Emperor, Maximilian I, and it apparently had the blessing of the Florentine Pope, Leo X. It was a standard source of Jewish lore even among early 17th Century Christian theologians.

Fray Luis' use of the *De Arcanis* is an attempt to substantiate Catholic dogma on the basis of the interpretation of Hebraic religious material, Biblical, rabbinical and cabalistic. Some of this drawn from the *Pugio Fidei* by the 13th Century Dominican Ramón Martín. Some is other authentic post-Biblical Hebraic material and some is spurious. When read with the *De Arcanis* in the background, Fray Luis' theological work takes on a new dimension. Some of his central theses, e.g. on the Incarnation, are based on the theory that the Hebrew Scripture, in its literal sense, explicitly uses allegories which reveal Christian mysteries. Thus the coincidence of his theory of the Incarnation and the Scotistic one is exact, but incidental. In Fray Luis, the Hebraic metaphors prove the Franciscan view, not the reverse ²²). As he argued in his lecture *De Fide*, the Hebrew text sometimes is equivocal and when the Vulgate takes one meaning, it is not dogmatically certain and sometimes the alternative meaning supports dogmas of faith better ²³). The case just described is an example. And, it is one

²¹) Cf. my *Law and Apocalypse: The Moral Thought of Luis de León (1527?-1591)*. The Hague: Martinus Nijhoff, 1972.

²²) Cf. A. BERTHIER, «*Un Maître Orientaliste du XIII^e Siècle: Raymond Martin, O.P.*» *Archivum Fratrum Praedicatorum*, VI (1936), pp. 267-311.

²³) This represents a conceptual break between Joachimism and Hebraism for Fray Luis. On Galatino's Joachite views see Marjorie Reeves, *The Influence of Prophecy in the Later Middle Ages: A Study of Joachimism*. Oxford: Clarendon, 1969. She suggests, pp. 270-1 and 364-66, that the Spanish Augustinians of Fray Luis' time were perhaps Joachites. This view has to be severely qualified in the case of Fray Luis, at least. On Fray Luis as a Christian cabalist, see: François SECRET, *Les Kabbalistes Chrétiens de la Renaissance*. Paris: Dunod, 1964, p. 224.

²⁴) *Luyssii Legionensis ... Opera*, V, pp. 306-315. This exegetical view of his was also a complaint at his trial.

that dates from before his imprisonment, when he began to compose the *De los nombres de Christo*. On this question, he differs again both with Calvin and the Thomist, Soto ²⁵). Again, his reasons concern the moral value of the temporal and literal meaning of the Mosac Law.

The *Notebook* refers to Galatino in support of the Third Proposition. This is the very thesis by which he claimed to differ from Grijal. Thus, far from being a repudiation of an Hebraic viewpoint, Inquisitorial approval of Fray Luis' thesis would constitute confirmation of it. The fourth Proposition argues that men under the Old Law knew of eternal rewards for its observance as proven by the literal sense. The Fifth and Last shows that the nature of this reward was not revealed in the literal sense, but that it was known by some of the fathers of the Old Law to be the vision of God. This was not because of the literal sense which states this only « confusedly and not by determining this precisely ». Since, the specific nature of the reward, according to Fray Luis, is found clearly revealed only in the New Law in the literal sense, how did some of the fathers of the Old come to know it? The answer is not detailed in the *Notebook*.

Yet, the answer is suggested by him in the reference to Galatino made in another context where Fray Luis says that the reasons for the Fifth Proposition are partly the same as those of the Third, i.e. they are found in Galatino ²⁶).

As the famous Augustinian notes, nothing is openly or clearly said in the Old Testament passages he quoted about the precise nature of eternal life. But, this is expressed in them nonetheless « confusedly ». Book 12, chapter 6, of *De Arcanis* is entitled : « Concerning the Eternal Reward Which the Just Will Have After the Universal Judgement ». In the *De Arcanis* the famous Swabian Hebraist, Johannes Reuchlin (Capnion) and Galatino, the papal chaplain, engage in a mock discussion of the various *Hebrew* sources, which if read by the discerning eye, and in the light of grace, show clearly that some of those who knew the secrets of the Hebrew Torah of old, knew the truths of the Gospel message by the same light. This was before they were externally promulgated and preached by Christ.

The connection between the reference to Galatino, the attack on Calvin and by implication upon Soto's version of Thomistic natural

²⁵) Calvin : *Institutes*, p. 467; II, 12, 4.

²⁶) *De Arcanis*, XII, 6.

law theory, have their basis in the same moral principle which is absolutely fundamental in Fray Luis' thought. This is that natural law cannot be other the historical confirmation of faith in the temporal promises and literal sense of the Old Law. By his reference to Galatino, he surely hoped his acquittal would, by implication, confirm his view before those of his nation ²⁷). The *De los nombres de Cristo* was conceived before his vindication, but it was only afterwards that he could, perhaps, publish it in full confidence.

To conclude, it has to be noted that Fray Luis' moral doctrine assumes the historical character of a divine revelation through Moses. This is, however, a question about history and theology, not about morals. As we have seen he differs historically with Soto who did not accept the Mosaic Law as a theophany. And, he differs theologically with Calvin who denied the historical significance of the Mosaic revelation in favor of its spiritual one.

If Fray Luis' belief were demonstrated historically his moral position would be, of course, confirmed. But, even if it is not historically true, or even orthodox, so long as it remains a logical possibility, the moral principle is no less acceptable in that it may be legitimately hoped for. Recognizing the faith of the Hebrews, he declared himself innocent of any possible crime against human nature itself. This is what he teaches us in the *Notebook of the Promises of the Old Law*.

²⁷) It was because of the fact that he was of Jewish descent that Fray Luis, though he denied this, was liable to prosecution. Cf. Miguel DE LA PINTA LLORENTE, O.S.A., «Fr. Luis de León y los hebraistas de Salamanca», *Archivo Agustiniano* XLV (1952), p. 348. Fray Luis' farsighted view seems now confirmed in a definitive Church action. Cf. the decree *Nostra Aetate* of the II Vatican Council, October 28, 1965, section 4. This decree seems to amount to a repudiation of Soto's moral theory since the Church depolres anti-Semitism on grounds other than political ones or those arising solely from principles of reason, and no matter what its source, presumably even its own teachings notwithstanding. If this were merely a theological stand its position would be meaningless, if not ridiculous.

It should not be forgotten that the theoretical reconciliation of Judaism and Catholicism was the major moral problem for a large and important part of the Spanish population in Fray Luis' day and into the 17th Century. Cf. Yosef HAYIM YERUSHALMI, *From Spanish Court to Italian Ghetto, Isaac Cardoso: A Study in 17th Century Marranism and Jewish Apologetics*. New York and London: Columbia University Press, 1971. The similarities of Fray Luis' view with Sabbatianism, Sebastianism and later Jewish mystical heresy are too interesting to be overlooked. Cf. Gershom G. SCHOLEM, *Major Trends in Jewish Mysticism*, New York: Schocken Books, 1961, pp. 320 ff. The possibility of an historical connection, to my knowledge, has never been explored.

[fol. 176] IN THIS NOTEBOOK ARE TREATED
THE REWARDS OF THE OLD LAW

By experience they were taught that God was faithful in keeping promises. For they saw and experienced for themselves all the temporalities that happily came about as often as they kept the law of God inviolate. From this was strengthened both their and our faith in hoping without hesitation for the spiritual goods promised by God to those who would live rightly.

As to the *third* : It is asked whether the Old Law imposed only punishments and rewards of a temporal kind. In this matter there is a much greater difficulty. It is to be noted that the heretic Calvin has asserted : that in the Old Law there were promised the same spiritual and eternal goods which were promised in the Gospel; and that, as such, this was the same pact and testament which God made with the Jews in the Old Law and with us in the gospel; and that the former looked for the same eternal goods from the keeping of the Mosaic Law which we hope for from the observance of the gospel; and that the only difference was in this, that the Old Law promised those spiritual goods by metaphor, while the gospel promised the same goods in open words.

It is proven *first* because of Leviticus, 15 and 25, in the formula itself of the pact and testament which God made with his people. If they should observe the law imposed by him, he says : « I will be to you a God, and you will be to me a people » ¹⁾, where as it says he promised himself as a reward of the observance of the law. And a little below he says : « I will be a God to your seed after you and I will not desert you », where he promises that he will benefit them and not for any finite time ²⁾. Nor does he send to them a happiness that falls away [fol. 176v.] and a temporal one but a perpetual and eternal one which is spiritual because he says « I will not desert, etc ».

The same is *again* argued : The patriarchs and the holy men who lived in that law hoped that they would gain spiritual and eternal rewards. Therefore the Old Law promised them. And the foregoing

¹⁾ Leviticus 26 : 12 ?, Calvin : *Institutes* (CI), II, 10, 8.

²⁾ Genesis 17 : 7; CI, II, 10, 9. The words « I will not desert you » do not appear in Scripture or in Calvin. The passage « ... below he says » refers to Calvin.

is proved from Paul. Hebrews 11, says that « they hoped for a city having foundations of which city the architect and builder is God », and a little below, « they who say these things show that they seek a country of their own. And indeed had they been mindful of that out of which they came, they would have had an opportunity to return, now however they seek a better, that is a heavenly country » ³).

So *thirdly* : The learned doctors of the Jews understood the Law itself and so taught others that a transgression of the Law incurred the guilt of a double death, namely corporeal and spiritual. And they proved it from Genesis 2, « in whatever hour you eat you will die the death » ⁴), in which testimony as there is twice mention of death. So it is significant that as transgressors of the Law incur a double death, so then likewise they understood that for the observance of the Law not only temporal happiness, but the eternal also was to be acquired. And it was promised to them on account of the Law.

Fourth : It is also argued that in the Old Testament, Christ is promised and that in him all nations would be blessed, as Paul teaches, Galatians 3, and that from Christ not only were temporal goods to be hoped for, but also, much more so, spiritual ones ⁵).

Fifth : It is also argued that in the Old Law the immortality of souls was expressed, therefore they knew with regard to it goods would be gained [fol. 177] in eternal happiness and evils in perpetual misery ⁶).

Sixth : According to Matthew 19, the young Jew asked Christ (he said) « by doing what will I gain eternal life ? » To whom Christ responded, « if you wish to gain life keep the commandments » ⁷). From this question and answer it manifestly remains that the Jews had knowledge of eternity and that this life was promised to them by the observance of the Law.

Lastly : It is argued in Leviticus 18. It is said, « keep my laws and judgements, which man so doing will live in them » ⁸), in which place the Chaldaic *Paraphrastes* adds « in eternity ». Therefore from the Law and in the Mosaic Law there were promised eternal goods.

³) Hebrews 11 : 10, 14-16; CI, II, 10, 13.

⁴) Genesis 2 : 17; CI, II, 10, 14 ? This text is not used by Calvin.

⁵) Galatians 3 : 23-29; CI, II, 10, 20.

⁶) CI, II, 10, 21-22 ?

⁷) Matthew 19 : 16-17.

⁸) Leviticus 18 : 5; These two objections (6 & 7) do not appear in Calvin and are from some other source.

With regard to the explication of this matter it is to be noted *first* that it is one thing whether in the Old Law there are promised eternal goods and spiritual ones in reward for the observance of the Mosaic Law. But, it is another to ask whether in the Old Law there is any mention of these spiritual and eternal gifts being sought through the observance of the Mosaic Law or another reason.

Also, it is one thing to ask whether eternal goods of this kind were promised in the Old Law, another however whether the fathers of the Old Testament had knowledge of those goods. And so again when it is to be asked whether spiritual goods were promised in the Old Law. This can be understood in two ways, namely, whether they were promised in the literal sense in open and plain words, or whether they were promised in the spiritual sense through the figures and shadows of corporeal things.

Second, it is to be noted that the Mosaic Law, properly speaking, is distinguished from faith in Christ. Although the Mosaic Law prefigured [fol. 177v.] Christ and prepared men for receiving the faith of Christ in his time, and although in the time of the Mosaic Law there was a command of believing and hoping in Christ, nevertheless that precept and that virtue of faith did not pertain to the Mosaic Law, but to the gospel.

This is to be proven first because before the Mosaic Law there was a command of placing faith and hope in Christ, because St. Paul openly declares in Hebrews 13 that « Jesus Christ, yesterday and today and he forever » ⁹⁾, because in past, present and future times faith of his salvation was necessary. This is proved because St. Paul openly distinguishes faith from the Mosaic Law, as is proven in Romans 3, « now however, independently of the Law, justice has been manifested, attested to by the Law and by the Prophets, the justice of God through faith in Jesus Christ » ¹⁰⁾, And further on (he says), « excluded in his glory, through what Law? Of works? No, but through the law of faith » ¹¹⁾. Here openly he calls the Mosaic Law a law of works, and distinguishes it from the law of faith. And in chapter 4, of the same epistle he does the same, and also in Galatians 3, where he says,

⁹⁾ Hebrews 13 : 8.

¹⁰⁾ Romans 3 : 21-22.

¹¹⁾ Romans 3 : 27.

« because the Law justifies no one before God, it is manifest because the just man lives by faith » ¹²).

Third, it is to be noted that we read that in the Old Testament God twice made a pact and covenant with men, first with Abraham, second with the Jewish people at the time the Law was given. This St. Paul openly enough shows to be the case in Galatians 3 for of the first covenant with Abraham he says, « promises were made to Abraham » ¹³), of the second covenant with the people, he says, « the Law which afterwards [fol. 178] was made four hundred and thirty years later, does not annul so as to make the promise void » ¹⁴). Of the first clear mention is Genesis 22, he says, « all nations will be blessed in your seed, because you have obeyed my voice » ¹⁵). Of the second, there is mention in Exodus 24, where after Moses gave to the Jews the entire divine law, and the people promised they would obey it, the covenant was ratified with the killing of the victim and the spreading of his blood on the altar and on the people and the book of the Law.

In the prior covenant there were promised to the faithful Abraham and to those who would imitate his faith salvation, blessing and justice and then all those goods which, through Christ, were to be conferred upon the faithful. So teaches St. Paul, Galatians 3 saying, « To Abraham were given the promises », namely of salvation and justice and he added, « and to his seed. He does not say to seeds as to many, but as of one, and your seed which is Christ » ¹⁶). And in the second covenant there were promised to those who would keep the Mosaic Law the peaceful possession of the Holy Land, and the affluence of temporal goods. So, through Exodus 23, where after the Law had been read to the people (when the covenant was ratified) it is said, « you will serve the Lord your God, as I will bless your bread and water and I will take infirmity from among you, and no woman in your land will be unfruitful or miscarry, and I will increase the number of your days » ¹⁷).

These things established, **FIRST PROPOSITION** : In the Mosaic Law and moreover in the writers of the Old Testament, neither in the

¹²) Galatians 3 : 11.

¹³) Galatians 3 : 16.

¹⁴) Galatians 3 : 17.

¹⁵) Genesis 22 : 18.

¹⁶) Galatians 3 : 16.

¹⁷) Exodus 23 : 25-26.

literal sense nor in the spiritual were there promised eternal [fol. 178v.] and spiritual goods as a reward for the observance of the Mosaic Law as such, but only temporal goods ¹⁸).

This proposition I think, ought to be held *de fide*. St. Paul states the same clearly and confirms it. *First*, in Romans 4, he says, « the promise to Abraham and his seed was not made on account of the Law, so that it might inherit the world : but through the justice of faith, for if the heirs of the Law are the keepers of the Law, if they are heirs, faith is in vain and the promise is abolished. The Law works wrath » ¹⁹).

In this place, which is difficult, St. Paul affirms first that which we say, namely, that the inheritance of justice in the present and of eternal life in the future life is not promised from the observance of the Law of Moses : furthermore it is proven in this way, because if this promise of heredity was from the observance of the Law of Moses, it would follow that those promises would be empty and vain, that is, would never be produced in effect because the Law of Moses does not produce helps and grace for its own observance.

That law, of itself, was never able to have been observed properly unless from without. That is, unless it had help from faith and from grace, no one would have been able to come to heredity from the observance of the Law itself. So, because the Mosaic Law neither shows nor is able to show man grace and the necessary justice for its observance, there was not posited life eternal. Neither was the promise made because of its observance, because if it were it would have been futile and useless as if someone were to promise a great amount of gold to him who could touch the sky with his finger. And so St. Paul adds immediately, [fol. 179] « Therefore from faith, namely, the promise is made as the promise of the highest grace was made to all the seed » ²⁰). That is the promise of salvation and attaining eternal heredity is not made to those who should observe the Mosaic Law, which no one could observe from the strength of the Law itself. But the promise was made to those who placed their faith, hope and love in Christ the Lord, because as his living faith brings grace to the believing, so to the same does he con-

¹⁸) By « as such » I mean by not including in these observances the faith of Christ, which faith as we said pertains to the evangelical law. [This note is in Fray Luis' hand.]

¹⁹) Romans 4 : 13-14.

²⁰) Romans 4 : 16.

cede the right to eternal heredity and especially the powers to fulfill the laws. From the perfect fulfillment of these by faith and love they acquire more right to heirdom, and the same follows, i.e., one is led to effect and to success.

Also, *secondly*, in Galatians 3, Paul says, « Now I mean this : the Law which was made four hundred and thirty years later does not annul the covenant which was made by God, so as to make the promise void. For if the right to inherit be from the Law, it is no longer from the promise » ²¹⁾. In this place, St. Paul also argues that God confirmed the testament, i.e. he made a pact with Abraham promising to him and to those who would imitate his faith that he would give salvation and eternal life in Christ and through Christ. This pact and this promise was not repealed, i.e. changed and made void, through the Mosaic Law which was posterior to this promise by four hundred and thirty years. But, the prior promise would have been voided, if from the observance of the Law of Moses itself there would have been promised heredity of salvation and of eternal life. Therefore, it was not promised.

Also, *thirdly*, Paul, Hebrews 7, says, « reprobation was of the preceding Law because of its infirmity and uselessness, for the Law produced nothing to perfection : the introduction of a better hope however through which we approach God » ²²⁾. Therefore from the observance of the Mosaic Law, properly speaking, men did not come closer to God, that is, to eternal spiritual goods.

So chapter 8 of the same epistle seems to say most aptly : « now (he says) there is a better lot and ministry as also there is a mediator of a better covenant because it is sanctified in better promises » ²³⁾. But the New Testament would not truly be said to be sworn in better promises if in the Old Testament there was the promise of eternal life from the observance of the Mosaic Law. Therefore the same reasonably is argued, that the Mosaic Law was not able to bring man to grace and justice as it follows from Paul in many places. And we in his place will say, therefore, it was not able to bring them to the prize of eternal and immortal life. Hence even the Law of Moses, by reason of its own observance, was not able to bring men to the rewards of eternal life. Therefore such a reward was not promised by the observance of the Mosaic Law because the promise would have been frustrated and void.

²¹⁾ Galatians 3 : 17-18.

²²⁾ Hebrews 7 : 18-19.

²³⁾ Hebrews 8 : 6.

So, *lastly*, I have proved it from the testimony of the saints. In the first place St. Jerome, *Ad Galatas* 5, says that carnal blessings were offered to those keeping the Law, «namely, because if they would have kept it, they would have been happy in their city and in their fields». We however wish to have value in Christ, to whom not a temporal but an eternal kingdom is promised. So St. Augustine in the *Questions* [fol. 180] of the *New and Old Testament*, «the Law given by Moses had justice, but an earthly one, as the keepers of the Law were just in present things. Whence the Apostle says that the Law is not from faith, but whoever keeps it will live in them, that in keeping the law he will not die, but lives in the present. Justice however which is from faith justifies men with God, and they will be rewarded in the future age»²⁴). And the *City of God* (bk. 18, chap. 11) says that it is called Old Testament «because it has earthly promises and there was the future New Testament through Jesus Christ in which the kingdom of heaven was promised». He teaches the same in *Against Faustus the Manichee* (bk. 4), teaching «that the promise and the rewards of eternal life pertain only to the New Testament». So teaches St. Basil on the 1st chapter of Isaiah, and St. Thomas on chapter 10 of Hebrews, says, «that in the words of the New Testament there is express mention and a promise of the future goods but not in the Old, but clearly only of the carnal ones». Soto holds this clearly, *In Epistolam ad Romanos*, chapter 4, and *Justitia et Jure*, II, 8, *ult. art.*²⁵).

But someone will argue against this. If from the observance of the Mosaic Law there was not given eternal life, then that Law was imposed without cause while being greatly laborious and full of works.

It is [*first*] argued in denying this, however, that that Law was imposed as St. Paul says, Galatians 3, «because of transgressions», i.e. (as Chrisostom teaches in the same place) it was imposed so that it would not be allowed for the Jews the live hatefully and to fall into extreme [fol. 180v.] evil. But the Law was given to them so to bring about a change, instructing and organizing them and prohibiting transgressions. So it was imposed as would be a teacher instructing that people to which Christ would come. And it was imposed, (as

²⁴) Augustine, *Quaestiones Extraque Mixtam, Pars Secunda*, I, IV (J.P. Migne, *Patrologia Latina*, 35, 2412).

²⁵) Dominici de Soto: *In Epistolam Divi Pauli Ad Romanos Commentarii*. (Antwerp: J. Steelsius, 1550).

Augustine teaches in Book 1 of the *Exposition of the Epistle to the Galatians*, and Book 5 of the *New and Old Testaments*, q. 102, and *tractatus* 3, *In Joannis Evangelium*) so that proud people would be taught, by the experience of things itself, of their own infirmity and stupidity in the observance of the Law. Thus, it would be humiliated and would, unreliant on itself, place its hope and faith in Christ the Lord.

Second, it is argued that to observe that Mosaic Law or any part of it was a good work because that Law was divinely given. Therefore since it could happen, by having grace and by God commanding it, that this work was meritorious of eternal life and that eternal life be acquired and prepared by the observance of the Mosaic Law.

To this argument we should respond that it has be noted that the observance of the Laws is to be considered in a twofold way. In one way, [there is] that solitary and bare observance itself of the laws which properly pertain to the Mosaic Law without any adjunct. In another way the observance of that Law can be considered joined with the faith of Christ, so that the observance of that Law would be pursued from faith in Christ and from grace and justice which is compared, through that faith, with the love of Christ. Thus, I say, that by considering the observance of the Mosaic Law in the first way, its observers did nothing toward the eternal as we said above. But, nevertheless, [fol. 181] they followed it in order not to fall into that condemnation of the Law, namely that no condemnation would remain in all that is written in the book of that Law. And they followed what is said elsewhere, namely, whoever did those things would live in them, that is, avoid mortal death with which the transgressors of the Mosaic Law were affected without remission, as St. Paul expounds in Romans 10 and as St. Thomas teaches in the commentary on that place.

But by considering the observance of the Mosaic Law in the second way, joined with faith of Christ and grace through Christ assisting, the Mosaic Law can be perfectly fulfilled. In this way the observance of that Law was meritorious both of greater grace and greater justice, but not so much because of the Mosaic Law itself as because of the law of faith and the gospel latent in it ²⁶). From this those works of the Mosaic Law took on power and value, in which sense it is that St. Paul says in Romans 3, that doers of the Law will be justified with

²⁶) These key sentences are underscored.

God. This he said concerning the perfect observance of the Mosaic Law from faith in Christ and from grace. These things are compared through that faith without which the Mosaic Law was not able to be fulfilled, as St. Augustine says in the book, *De Spiritu et Littera*, chapter 26. And Nicholas of Lyra says the same on the 18th chapter of Leviticus, that the justice of the Law without observance of the precepts is inefficacious for gaining anything eternal and spiritual unless faith is joined. This, more clearly, Augustine says in the book *De Spiritu et Litera*, chapter 29.

SECOND PROPOSITION: The Mosaic Law was the figure of the evangelical law and temporal rewards promised in that Law [fol. 181v.] were types of the eternal rewards which are given from the evangelical law.

So teaches St. Paul, Hebrews 10, «the law having (he says) a shadow of the future things, not their likeness itself»²⁷). So St. Augustine teaches in the *City of God* 10, chapter 5, and he says it clearly in *Against Faustus the Manichee*, chapter 2.

But someone will say if those earthly rewards of the Mosaic Law were the types of the eternal rewards then it follows that in the Old Law, especially in the spiritual sense, the eternal rewards were promised against that which was said.

Thus, we deny that in the Old Testament that eternal rewards are promised in any sense, whether spiritual or literal, from the power of the Mosaic Law and from its observance as such. We do not however deny that in it there are promised and prefigured eternal rewards through Christ and through following the law of Christ.

THIRD PROPOSITION: The fathers of the Old Testament and the saints who lived in that Law had knowledge and the faith of the eternal rewards of the other life.

[First] St. Paul proves this consequence (Hebrews 11) in all that chapter with many examples being drawn from it itself. Paul says in the same place that faith of those things was necessary in those holy men for justice and salvation. So *secondly*, Machabees 7, those martyrs the Machabees clearly sought to hope for eternal life for themselves and others. See Galatino, Book 12, chapter 6²⁸).

²⁷) Hebrews 10 : 1. This Proposition is marked for attention in the margin.

²⁸) Petri Galatini, *De Arcanis Catholicae Veritatis*, (Ortona; 1518). This paragraph and the previous two are marked for attention.

But someone will ask whether those holy men had a knowledge of those eternal rewards from that which is in the Old Testament in clear words and whether in the literal sense there was more clear mention of them. It is asked moreover whether in the Old Testament they were indicated and promised only in the spiritual sense [fol. 182] which spiritual sense they understood. In this perhaps it is possible to speak of both without danger. But for me there is a distinction.

Whence is the **FOURTH PROPOSITION**: The faithful and good men were following some eternal and spiritual reward but confusedly and not by determining this precisely. That reward seems to me expressed enough in the literal sense of the books of the Old Testament ²⁹⁾.

It is proved in Isaiah 64, « the eye has not seen without you what you have prepared for those loving you » ³⁰⁾. So, Isaiah 48 ³¹⁾. Israel is greeted in the Lord with eternal salvation. And Genesis 15, « I am a protector and your reward is very great » ³²⁾, and Daniel 12, is open testimony, « and many of those who sleep shall awake, some in eternal life, and others in eternal punishment » ³³⁾. And there is Tobias 4, « indeed a poor life we undergo but many good things we will, have if we fear God » ³⁴⁾, and Wisdom 2, the impious said these things « and they do not know the counsels of God and do not hope for the mercy of justice, nor do they judge the honor of the holy souls » ³⁵⁾ which honor he takes as noble in the highest degree. In this is put openly both the immortality of souls and that the holy souls after leaving the body are to have honor or reward.

The **LAST PROPOSITION**: That the eternal reward of the just is the vision of God and what that is was known to some of the fathers of the Old Testament although no where in the Old Testament is it expressed in the literal sense, but only in the New.

This proposition is proven in that the places which speak openly of the eternal reward in the Old Testament are those which were above proven by us [fol. 182v.]. In these places nevertheless nothing is openly

²⁹⁾ This Proposition is partly underscored.

³⁰⁾ Isaiah 64 : 4.

³¹⁾ Isaiah 48 : 12.

³²⁾ Genesis 15 : 1.

³³⁾ Daniel 12 : 2.

³⁴⁾ Tobias 4 : 23.

³⁵⁾ Wisdom 2 : 22.

said by which it can be known that the reward consists in the vision of God or what and how it may be, therefore [the conclusion follows].

REPLY TO THE ARGUMENTS. As to the *first*: from those places of Leviticus the same is nevertheless signified in those words and that form of speaking, that God is the future protector and defender and provider of good things of that people if the people remained in his Law.

The *second* is proven by conceding the antecedent and denying that it follows from it that those goods which they hoped for were promised to them from the observance of the Mosaic Law.

The *third* is proven first because it does not profit anyone. For it is much greater and more difficult to deserve than to be obliged. Second, it is proven if those Mosaic Laws were considered only insofar as they were certain precepts like civil ones posited for that people for protecting the good of the commonwealth, if I say, they were considered in this way, from the transgression of those precepts the transgressors properly were given temporal punishments for it.

Fourth, it is conceded totally that in the Old Testament Christ is promised and that he was to give men salvation. It seems from this not to follow that there would be promised eternal rewards from the observance of the Mosaic Law, and not from the observance of that Law especially as the testator himself came properly to save sinners and, as Paul teaches, he includes all under the pact as he was merciful to all.

Fifth, it is completely conceded, but nevertheless it does not follow from it that eternal rewards were promised from the observance of the Mosaic Law, but more from the law of faith.

Sixth, from Matthew 19, it is said now that the Mosaic Law together with the faith of Christ was able to be [fol. 183] meritorious of eternal life.

Seventh and last, it is proven from Leviticus that eternal in Scripture sometimes is taken for a long and extended time. Secondly, it is proven because the interpretation of St. Paul of the Chaldaic *Paraphrastes* is to be brought out. And as written, it is said by St. Paul what is said there, namely «which man doing these things will live in them», is interpreted of temporal life, and if one would avoid death he would say it.

THE MORAL PRECEPTS IN PARTICULAR FOLLOW
CONCERNING WHICH IS ST. THOMAS'
QUESTION 100

As to those things which St. Thomas says from the first to the seventh articles inclusive there is nothing to be said, but only see the text of St. Thomas.

It is doubted whether those ten precepts are dispensable by God. St. Thomas' 8th article is on this and indeed there are various opinions about it. Scotus in III, 31, *questio unica*, says that the two first precepts of the first table are indispensable. It is noted that the keeping of the Sabbath and the rest of the second table are dispensable by God. Durandus, however, in I, 47, 4, says that all the precepts of the Decalog are indispensable except the one, namely, « Do not kill » and the precept of honoring parents. St. Thomas nevertheless says that all those precepts of the Decalog whether of the first or second tables are indispensable and especially because they intrinsically contain the very order and rectitude of justice. And, although this question is celebrated in the school and debated enough, nevertheless if well considered neither is it especially difficult nor useful.

Therefore, on this [*first*] it is briefly to be noted that the notion of just and good as right is able to be considered and commanded under a general notion, namely, « let no one act unjustly ». [fol. 183v.] « No one should violate another's rights ». Nevertheless such is not found and does not exist except in particular actions and in certain aspects of them. It is thus necessary that the notion of good and just can by no means be separated from these nor from contrary things the notion of the evil and unjust. And therefore, it is these actions that are forbidden or commanded in particular.

For in this matter Ocham is not to be heard who in II, d. 19, said that nothing is so evil that God, by commanding and dispensing, cannot make good, even the hatred of God itself. This seems to us so very absurd that it is unworthy of what mention it has. Whence how can it be understood that it is good to hate the highest good and greatest rectitude? And without doubt, whoever says this must concede that it can be the same to be both friend and enemy of God at once : friend because his will is followed and especially enemy because one follows it with hatred. And surely, if God is able to command

it for others that they do it, also it would be possible that he could do it which is most false for God necessarily loves himself, and as it is said, I Timothy 2, « God is faithful and is not able to deny himself » ³⁶).

Second, it is to be noted that to dispense in law is, with the notion of law remaining in varied things, to take something in particular from the obligation of law. The law ceases, namely it is declared that there is no power in that particular case and event because the same notion of law does not remain in it.

These things established, the FIRST PROPOSITION is : That general precept, namely « Do not act unjustly », « to each one are his rights due, and to be observed », is not [fol. 184] dispensable.

This is proven manifestly for if in general it were licit to act unjustly already it would follow that unjustly is unjustly. And if it were thus permitted in general to violate the rights of others already equity would be unjust and manifestly there would follow two contradictory things, namely, that the same thing would be against reason, and according to reason because unequal and unjust.

SECOND PROPOSITION : The notion of the just of the same particular action in which it is due and inseparable is not dispensable because it is manifestly not the same thing to dispense both in the particular of this precept and to dispense in that generality, namely, « Do not act unjustly ».

If some action in particular is necessarily unjust and a violation of the law and equity of Christ, to dispense in it would be as much as to make it unjust to be just, and at once it would be agreeing and disagreeing with reason.

THIRD PROPOSITION : All ten precepts of the Decalog are indispensable.

This is proven in that even a single precept of them has inseparably connected and joined the notion of the due and the just. Namely, the precepts of the first table are of that which is due to God, and of the second table of that which is due to one's neighbor. Therefore, to dispense in these would be to make it licit to act unjustly and licit to violate obligations and the rights of others, against that which was said. And the antecedent is proven because the notion of the just considered in general demands that reasonably there can be taken from no one in life his right, but that this notion is present and is

³⁶) I Timothy 2 : 13.

inseparable in it, v.g. that one is not to steal, not to commit adultery, etc. Therefore [fol. 184v.] it cannot be that it is licit to act against it.

That it is necessary is proven because to steal necessarily is to accept another's goods as actual owner. Reasonably, therefore, the notion of just is inseparable in that which is not to steal. The same is proven in general of all the precepts of the Decalog. Thus the affirmative precepts of the Decalog do not command that we give what is owed to God and neighbor in any particular way, but they command that it be done in that time and way as right reason demands, v.g. that we give God due love since reason demands it, just as we should show due honor to parents, where and how reason demands.

Likewise the negative precepts do not simply prohibit lest we take things which are in the power of another, but prohibit lest we take those things reasonably kept by their owners. For «Do not kill» has nevertheless this effect, namely that we do not take away the life of another from him when reasonably held. «Do not steal», likewise forbids that we take the wealth of others, «Do not bear false witness», do not weaken the reputation of others, «Do not commit adultery» that we do not take another's wife. But it implies a manifest contradiction if it were licit not to give God or neighbor that due to him in the same time and manner by which right reason demands that it be given, and so also if it were licit to violate life or other rights of one's neighbor, like reputation, wealth or wife, when reasonably in their possession or when reason says those rights are not to be violated. Therefore, in the precepts of the Decalog, dispensation is in no way allowed. And this is what St. Thomas said, those precepts are [fol. 185] indispensable because they contain the very notion of the just and the due.

But Scotus argued against this. God dispensed Abraham in the matter of homicide when he ordered him to kill his son, and Sampson (as Augustine says) when he inspired him to kill himself at once with the Palestinians, and also he dispensed the Jews from theft when he ordered them to seek from the Egyptians silver and gold vases and take them. And he dispensed Osea from fornication when he ordered him to mix with an adulterous woman. Therefore the precepts of the second table are dispensable.

Regarding all these it is to be argued [*first*] that it was not to dispense in law, but to use the power of lordship which God has in all things. So God did it not as legislator, but as lord. For if another man's

things remained alien, God would have conceded to the Jews that they take it. That which would be to steal, would be licit or would be to dispense the law in other things. God did not act thus, but he removed the things of the Egyptians of which God himself was lord, by his own most just will, and took from the Egyptians and gave to the Jews. And the same power of lordship was used in the cases of life and wife.

Second : If those precepts of the Decalog were indispensable it would follow that God would necessarily will something outside himself and it would follow that necessarily he would will that no one steal or that no one kill anyone which seem unfitting.

The response is that although God wills none of the things outside himself necessarily that they might exist, but wills them freely, nevertheless necessarily he wills that man, if he exists, should be a rational animal, i.e., the necessary connection of terms which they have among themselves [fol. 185v] as an intrinsic condition. And thus necessarily he wills that to take a thing owned by another is evil; to kill is evil, and adultery is evil. See Soto, *De Justitia et Jure*, II, 3, 8.

Consequently it is doubtful whether the manner of virtue falls under precept? About this St. Thomas' art. 5, is to be noted because the mode of virtue is twofold : One in which it is effected that some act be good and desirable; another in which it is effected not only that it be good, but also, in its own kind, perfect. The first manner consists in that which the act has not only of good objects, but also proper circumstances. The second manner, which is beyond these, consists in that every act be firm, prompt and easy, i.e. from habit, for then it is a perfect virtue in its own kind.

Of the second mode the certain conclusion is that that mode does not fall under precept for it is enough that whatever is commanded be done for it is human if we do what we are commanded although we do not do these things from habit. It would be something else if it were necessary to do from habit as well what the precepts and laws lay down, not only from acts of virtue, but also from habits which is false and against all opinions. And so this conclusion is true and St. Thomas put it thus.

But the greater doubt is of the first mode, namely whether such a mode falls under precept? This is to ask whether it is possible that one satisfy a precept through an evil act. This is to say, lacking any fitting circumstances, for example, whether someone could satisfy the precept of giving alms by giving alms out of vain glory? Or is one

able [fol. 186] to satisfy the precept of hearing Mass, in order to please one's wife?

On the negative side there are arguments. [*First*] if by that work one fulfills the precept, then such a work is good because precepts and laws are not laid down except for good actions.

Secondly, a work by which we fulfill the law is, in itself, commensurate to the law : but an act evil by some circumstances is not able to be commensurate to reason and the rule, *ergo*.

Third, these things which laws command lead men to virtue : but evil works are not of this kind, *ergo*.

FIRST PROPOSITION : No one is able to satisfy the laws, neither divine nor human unless by a human act.

Theologians call a human act what is done by a knowing, prudent and willing person. The conclusion is proven, for it is more easy to violate the law than to fulfill it. But no one violates a law except by a human act, for what comes about without deliberation and will is not against the law. Therefore no one fulfills the law unless by a human act from which it follows that someone reciting the canonical hours while asleep or drunk does not satisfy the law, but awake and sober, he has to recite them later.

SECOND PROPOSITION : We are able to satisfy the law and precept, human and divine, by an act evil from some circumstance while on the part of the object it is good.

It is necessary that good be the first object because it pertains to the substance of the act commanded. For the substance of the commanded act is that it be good and have a good object, because laws and precepts are not able to be given except about good acts in this way. That it is not necessary that it be good from all circumstances is obvious, because although the end and intention [fol. 186v.] of law is to make the subjects good in every respect, nevertheless this end and intention does not fall under the precept. And, therefore, although something is deficient in some circumstance, if nonetheless that circumstance is not commanded by name in the law, one satisfies the law or precept.

To all the arguments which we make it is responded to all [*first*] that such good is from the object, but evil from some circumstance. Namely alms given because of vain glory is commensurate to the law or precept insofar as that which is commanded by the law is concerned. That is, it has that rectitude which the law of almsgiving does, that which it necessarily demands that it have. It demands now that it be right

and good by reason of the object insofar as the substance is concerned. The rest, however, it intends falsely. It does not order it nor necessarily require it.

Secondly, I say that works of this kind, although they are related to proper precepts, and are commensurate to laws, as for example, almsgiving out of vain glory has a commensuration with the precept of almsgiving, nevertheless, compared to other laws and other precepts, they are not commensurated by reason but they do evil, as in the example just given. Almsgiving for vain glory, although it fulfills the precept of almsgiving, nevertheless is not commensurated to the law of modesty and humility, but in an evil way lacks them.

It is doubtful, consequently, whether the manner of charity falls under precept concerning which is St. Thomas' art. 10, regarding which it is to be noted that in the act of love by which we love God two things are to be considered. *One* is the love itself and the substance of the act, the other is to love in this way, namely with the whole heart, and the whole soul, [fol. 187] i.e. above all things. And this is called the mode of charity. Since therefore, it is asked whether the mode of charity falls under precept it is asked whether when it is commanded for us to love God and when this obligation of this affirmative precept is present we always have to love in this way, i.e. above all things.

Second, it is to be noted that charity, as St. Paul says, is the end of all the other precepts for all precepts are referred and are ordered in charity. And charity itself is peculiarly a precept, because one is especially commanded about charity. And thus, all the other precepts have as an end the precept of charity whence by comparing the precept of charity to the remaining precepts the precept of charity has the notion of a form. And charity, with respect to the other virtues which are contained at the same time in other precepts, has the notion of a form.

Whence if charity is the form of the other virtues from this another question is certainly to arise whether we are able to fulfill the remaining precepts without the manner and form of charity? That is, have we when there is an obligation of some precept distinct from charity, to do what is commanded because of God's being loved in a most high manner? Indeed, about each we will speak briefly.

As to the first, it is to be noted that in the precept of love of God there are proposed to us both internal and external acts. The internal act is how, when internally commanded for us as an elicited act, we

love God internally above all things. The external is when externally commanded as it is done for his honor, namely, when the confession of faith is done with exterior deeds, we defend the divine honor and we confess the faith. But, because the precept is affirmative as to both acts, namely, both external [fol. 187v.] and internal, it does not oblige always but at its own time. These, however, are those times in which this precept obliges one to external acts. These are manifest in the things themselves. Thence, we do not have to defend the divine honor since the divine honor is exteriorly practiced. The rest, as to interior acts, is not in the present disputation but properly pertains to the matter of charity. This however is certain, that it obliges for some time.

FIRST PROPOSITION: When the precept of charity obliges as to an internal act, we are not able to satisfy that precept without the mode of charity. This is to say that as long as, from the power of the command, we have to love God interiorly above all things and with a whole heart, neither do we satisfy that precept if we love some other thing.

This is through the testimony of Christ in Matthew 22, where not only the substance of this love but also its manner is commanded. It is said «love the Lord with the whole heart...»³⁷⁾, *ergo*. That same mode itself is of the substance of divine charity, as charity is in line with reason and therefore a virtue. As we are obliged to love interiorly, we have to love in that mode because the precepts are given of acts of virtue.

The foregoing is proven because that mode is of the substance, and manifestly because the object of this love is God who is infinite good. Therefore love ought to be commensurate to such an object so that it be good and in line with reason. And it would not be commensurate unless it would be above all things because infinite good comes before all the rest, *ergo*.

SECOND PROPOSITION: When the precept of charity obliges to external acts, thence the mode of this does not fall under the precept, i.e. we are able to satisfy... [the manuscript ends here].

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³⁷⁾ Matthew 22 : 37.