200 Law (*Lex*)

The law of God is commended because of the eight parts which it contains.

First, because of the testimonies of truth, Psal. [118:142]: “Your law is the truth.” Therefore, it is to be preached and heard, 2 Paral. 17[:9]: “And they taught the people in Juda, having with them the book of the law” in hand. But, alas, because in Psal. [118:136; 1:2]: “They have not kept the law” of the Lord. And “his will is in the law of the Lord.” Therefore Prov. 28[:9]: “He that turns away his ears from hearing the law, his prayer shall be as abomination.”

Second, because the mandates of honesty, Psal. [18:8]: “The law of the Lord is unspotted, converting souls.” Therefore, it is for fulfilling work, Rom. 2[:13]: “For not the hearers of the law are just before God, but” outside, nor is it a marvel because they go according to the right way, but alas because in the Psal. [118:126] it is said, “It is time, O Lord, to do: they have dissipated your law.”

Third, because of judgments of equity, Matt. 7[:12]: “All things therefore whatsoever you would that men should do to you, do you also to them.” Therefore, it is to be defended, 1 Mach. 2[:50]: “be zealous for the law and give your lives for the covenant of your fathers.” And with merit because thus it was given in time for eternity, but alas because another, that is, on the side, is the law.

Fourth, because of the examples of holiness, Rom. 7[:12]: “The law indeed is holy, and the commandment holy.” And therefore, it is cordially to be remembered, just as the writer looks back on his true exemplar, Psal. [36:31]: “The law of his God is in his heart.” And note it is no wonder if he is not moved who is joined with God, but alas because of Isai. 5[:24]: “They have cast away the law of the Lord of hosts.”

¶ Fifth, because the promises of beatitude, Prov. 29[:18]: “He that keeps the law is blessed.” Now certainly in promise but then in possession, James 1[:25], “But he that has considered the perfect law of liberty.” But alas because Ezech. 22[:26]: “Her priests have despised my law.” And in Psal. [54:20; 77:10]: “They have not feared God ... and in his law, they would not walk.”

¶ Again, according Cassiodorus,[[1]](#endnote-1) law (*lex*) is said to be from binding (*ligando*) because he binds the subject to his observance. Therefore, it is said in Exod. 13[:9]: “And it shall be as a sign in your hand, ... and that the law of the Lord be always in your mouth.” And Augustine, *Epistola* 36,[[2]](#endnote-2) human audacity is coerced by fear of the laws, so that among the wicked the innocent would be safe, and just as it is among litigious men, so it is in a certain way between man and the devil. For if a man before a common sentence or excommunication can read one appeal none of them hold, so if a man cited through temptation that he appears and obey the devil he can read the deed of God by the law before his sentence about that he may frustrate the process of the devil, because in the Psal. 18:8] it is said, “The law of the Lord, converting souls.” Again, in the same place, [Psal. 118:165]: “Much peace have they that love your law, and to them there is no stumbling block.”

¶ Again, Gal. 6[:2]: “Bear ye one another's burdens; and so, you shall fulfill the law of Christ.” Which, explains Aristotle, *Super animalibus*,[[3]](#endnote-3) says in crossing water toward more fruitful pastures, deer place their heads upon the ones preceding, and when the ones in front who do not have the support become tired, they divert to the rear, so we ought to support our infirm ones mutually. Wherefore Helinandus[[4]](#endnote-4) says that human laws have value in so far as they do not disagree with divine laws. Therefore, Chrysostom says, *Homilia* 18,[[5]](#endnote-5) the road to perdition is said to be wide because they are the ones who go that way to perdition without law. Because it is under the law that it is always narrow, so that they who walk in the way their will is their law and these are not under the law, but the law is under them. And however, the same Chrysostom says *Homilia* 21,[[6]](#endnote-6) there is no legislator of the law. Augustine, *De duodecim gradibus abusionum*, c. 15,[[7]](#endnote-7) says thus while Christ is the end of the law, they are without the law. Therefore, to be without is law is to be without Christ. And the Philosopher in the first book of the *Politics,[[8]](#endnote-8)* days thus man under the law is the best of the animals. Wherefore Rom. 2[:12]: “For whosoever have sinned without the law, ... shall be judged by the law.”

¶ Again, Augustine, *Contra Faustum*, book 25,[[9]](#endnote-9) just as the sun to the eyes, so the law to the mind. To healthy eyes the sun is good. To eyes not healthy, it is harmful, so the law is always good if one uses it legitimately.

Again, Augustine, *De agone Christiano*, c. 7,[[10]](#endnote-10) no one escapes the laws of the almighty. Certainly, he acts according to these, as is evident according to those, but it is one thing to do what the law commands, and another to suffer what the law commands. Wherefore the good work according to the laws, the evil suffer according to the laws.

Again, Augustine, *De verbis Apostoli*, sermon 80,[[11]](#endnote-11) there is this difference between the fear of a man and a thief, because the thief fears the laws of man, and yet he makes his theft, because he hopes he will escape the laws of man, but you are a man fearing his laws, which you cannot escape.

1. Cassiodorus, *Expositio in Psalmum* 1.2 (PL 70:29): Lex enim dicitur ex eo quod animos nostros liget, suisque teneat obnoxios constitutis. [↑](#endnote-ref-1)
2. Augustine, *Epistolae secundum ordinem Temporum* 153.6.16 (PL 33:660): metu legum humana coercetur audacia, ut et tuta sit inter improbos innocentia, et in ipsis improbis dum formidato supplicio frenatur facultas, invocato Deo sanetur voluntas. [↑](#endnote-ref-2)
3. Aristotle, cf. Pliny, *Natural History* 8.50.114 (LCL 353:82-83): maria trameant gregatim nantes porrecto ordine et capita inponentes praecedentium clunibus vicibusque ad terga redeuntes: hoc maxime notatur a Cilicia Cyprum traicientibus; nec vident terras, sed in odorem earum natant.

They cross seas swimming in a herd strung out in line with their heads resting on the haunches of the ones in front of them, and taking turns to drop to the rear: this is most noticed when they are crossing from Cilicia to Cyprus; and they do not keep land in sight but swim towards its scent. [↑](#endnote-ref-3)
4. Helinandus of Froidmont, *De bono regimine principis* 25 (PL 212:746): qualiter se habere debeant, vel domi vel militiae, non solum secundum leges divinas, sed etiam humanas; quae eatenus valent, quatenus a [Col.0746B] divinis non discrepant.

Cf. S. E. Thorne, Review of *The Medieval Idea of Law*, by Walter Ullmann *The Yale Law Journal* 1947 (56.3:600[-603]): *Humanae leges eatenus valent, quatenus non discrepant a divinis.* (p. 54 of Ullman). [↑](#endnote-ref-4)
5. (Pseudo-)Chrysostom, *Opus imperfectum in Mattheum* Homilia 18 cap. 7.13 (PG 56:735): Vides ergo, haec via perditionis quam nociva est, quam spatiosa est? Et ideo non solum volentes, sed et nolentes incurrunt in eam: et difficile est, ut natus in hoc mundo alquantulum non incidat in eam. Quasi lata enim de longe videtur, et ideo etiam infantes, antequam viam viteae videant, vel intelligant, istam vident: et cum intraverit quis in eam, prout vult, se agit, nec coangustatur in aliqua parte ita ut delectet eum ambulare per eam. [↑](#endnote-ref-5)
6. (Pseudo-)Chrysostom *Opus imperfectum in Mattheum* Homilia 21 cap. 8.3 (PG 56:749): Nam lex legislatori subjecta est, non lgislator legi. Quid ergo, solvit legem? Non: literam quidem legis solvit, propositum autem ejus non solvit, sed magis illi addidit dignitatem. [↑](#endnote-ref-6)
7. Augustine, *De XII gradibus abusionum* 12 (PL 40:1088): Dum ergo Christus finis est legis (Rom. X, 4), qui sine lege sunt, sine Christo fiunt: igitur populus sine lege, populus sine Christo est. [↑](#endnote-ref-7)
8. Aristotle, *Politics* 1.2 1253a31-31 (Barnes 2:1988): For man, when perfected, is the best of animals, but, when separated from law and justice, he is the worst of all; [↑](#endnote-ref-8)
9. Augustine, *Contra Faustum* 15.7 (PL 313): Ergo lex semper est bona; sive obsit inanibus gratia, sive prosit plenis gratia, semper est bona: [Col.0313] sicut sol semper est bonus, quia omnis creatura Dei bona est (I Tim. IV, 4), sive dolentibus oculis noceat, sive sanos mulceat. Proinde quod est oculis sanitas ad videndum solem, hoc est gratia mentibus ad implendam legem. Et sicut oculi sani non solis delectationi moriuntur, sed illis ictibus asperis radiorum, quibus reverberati in densiores tenebras pellebantur: sic anima per charitatem spiritus salva facta, non justitiae legis mortua dicitur, sed illi reatui et praevaricationi, quam lex per litteram, cum gratia defuit, faciebat. [↑](#endnote-ref-9)
10. Augustine, *De agone Christiano* 7.7 (PL 40:294-295): nemo enim leges Omnipotentis evadit. Sed aliud est facere quod lex jubet, aliud pati quod lex jubet. Quapropter boni secundum leges [Col.0295] faciunt, mali secundum leges patiuntur. [↑](#endnote-ref-10)
11. Augustine, *Sermones de scripturis* 169.6.8 (PL 38:919): Sed hoc interest inter timorem tuum; timoremque latronis, quod latro timet leges hominum, et ideo facit latrocinium, quia sperat se fallere leges hominum: tu autem leges ejus times, ejus poenam times, quem fallere non potes. [↑](#endnote-ref-11)