

***Ordinatio* III, d. 40, the single question, “Is the New Law heavier than the Old Law?”**

1 Concerning the fortieth distinction I ask whether the New Law is heavier¹ than the Old Law.

2 Proofs of the affirmative:

The New Law adds a great deal over and above the Old Law, as is evident from Matthew 5[:21-48]. For “It was said to those of old, you shall not kill. But I say to you, one who is angry with his brother,” etc., and so on for the other commandments. And besides this, the New Law contains the whole of the Old Law, according to Matthew 5[:17-18]: “I have not come to abolish the law, but to fulfill it.” So the New Law contains the entire weight of the Old and adds even more weight to it, and consequently the New Law is heavier than the Old.

3 Furthermore, the state under grace is more perfect and more virtuous than the state under the law; therefore, it is also more difficult. The inference is evident from *Ethics* II [1105a9]: “virtue concerns a good that is arduous and difficult.”

4 On the contrary:

Matthew 11[:28-30] says, “Come to me all who labor and are burdened, and I will give you rest,” etc.²

[I. Reply to the question]

5 Here there are two things that need to be investigated, because there are two things that determine how heavy the Old Law was in comparison with the New: the burden imposed and the lack of assistance to bear that burden.

[A. The burdens imposed]

¹ “heavier” (*gravior*): that is, more burdensome, though I have (reluctantly) stuck with the explicit metaphor of weight over the more felicitous English so as not to suggest a false cognate with the word ‘burden’ (*onus*, see n. 5ff.). Also, see footnote 8.

² The passage continues: “Take my yoke upon you and learn from me, for I am gentle and humble of heart, and you will find rest for your souls. For my yoke is easy, and my burden is light.”

6 The burdens imposed in the Old Law were the moral, ceremonial, and judicial commandments, all of which everyone was necessarily bound to observe.

This is evident in the case of the moral commandments.

7 It is also evident in the case of the ceremonial commandments, for although the Jews could [without mortal sin] touch a dead body and suchlike things, they incurred many ritual impurities³ from doing so; and if they did not do what was commanded in the law to cleanse themselves, they sinned mortally, as is implied in the passages⁴ that say, “The soul that has done or not done” such and such “will die the death and will perish from among your people,” which is a threat of eternal damnation.⁵

8 Everyone was also bound by the judicial commandments: either per se, or when their cases were being decided by their judges,⁶ and⁷ especially by a priest of the tribe of Levi, when there was a case that could not be settled by inferior judges, in keeping with the words of Deuteronomy [17:8-11]: “Every soul that despises the judgment of a priest shall die the death.”

9 In the New Law, by contrast, the moral commandments are the same as they were in the Old Law, but more explicit; the ceremonial commandments are far fewer and lighter,⁸ because they were imposed by Christ. And Christ imposed no judicial commandments, but rather a law of meekness and humility, in which there is no need for judicial commandments, in keeping with the words of [1] Corinthians [6:7]: “It is altogether wrong for you to have lawsuits. Why do you not rather allow yourselves to be defrauded?” For Christ taught this in Matthew 5[:39-40]: “If someone strikes you on one cheek, offer him the other as well; and if someone wants to take your cloak, give him your tunic also.”

10 In comparing the moral commandments of the Old Law with those of the New, it is unclear whether they are equally heavy, since it is unclear whether those under the Old Law

³ Cf. Leviticus 11:23-46; Numbers 19:7-22; etc.

⁴ Exodus 30:38; Leviticus 7:20-21, 25, 27; 17:19; 19:8; 22:3; etc.

⁵ This sentence follows Q. The edition gives roughly the same sense, only with needless repetition and some quite adventurous syntax.

⁶ Cf. Deuteronomy 16:18-22; 17:1-7.

⁷ Reading *et* (Q) for the edition's *vel*, “or,” which would suggest that what follows is a third disjunct rather than, as it in fact is, a particular case of the second disjunct.

⁸ “lighter” (*leviora*): “less burdensome” would make for better English, but that would obscure the contrast between *gravis* (heavy) and *levis* (light) as well as lose the verbal connection with the quotation from Matthew 11:30, “My burden is light,” implicit at n. 4 and explicit at n. 24.

were bound by those commandments only as they were interpreted by the Jews, in which case it was licit to love one's friend and hate one's enemy [cf. Matthew 5:43] and to give wives a certificate of divorce [cf. Matthew 19:7]. For that is how the Pharisees taught the unlearned among the people. But that is not licit for Christians today (and similarly, perhaps, in the case of the moral commandments that have been explicated further, as is evident in Matthew 5:[21-48]). And if in fact that is not licit for Christians today, our Law is heavier when it comes to the moral commandments, though this heaviness is not equal to that which will be discussed next.

11 As for ceremonial commandments, I say that the Old Law was far heavier both in terms of the number of commandments and in terms of the difficulty of keeping them, according to Augustine's *Ad inquisitiones Ianuarii* III [19.35] as quoted in the *Decretum*, distinction 12, *Omnia alia*.⁹ And Rabbi Moses¹⁰ enumerated more than six hundred legal commandments by which they were all bound, some of which were quite difficult: for example, that every male must appear in Jerusalem three times a year no matter how far away he lives [cf. Deut. 16:16], and the observance of a sabbath year, which meant not gathering in the fruits for two years [cf. Lev. 25:3-7], and many other things about not touching a dead body or not eating and drinking after touching a dead body without having washed [cf. Lev. 11:23-46; Num. 19:11-13, 16-22]. Hence Peter in Acts 15[:10] says, "Why do you want to lay upon the disciples a heavy burden that neither we nor our fathers have been able to bear?"

12 By contrast, the New Law, according to Augustine in *Ad inquisitiones Ianuarii* [I.1.1], is kept within the bounds of a few manifest sacramental rites. For the New Law has only seven sacraments, and they are not necessary for all Christians: for not all Christians get married and not all Christians receive ordination. But baptism is necessary, as is penance for restoration after having fallen into mortal sin. So confession is evidently the most difficult thing in our Law and Church, for someone might think it is difficult to disclose his private sins, known only to himself and God, to another human being; but there are so many means of assistance offered in confession that no one should be disturbed by the prospect of such disclosure. For the one who hears the confession is bound by the most stringent seal of

⁹ Gratian, *Decretum* pars 1 d. 12 c. 12.

¹⁰ Moses Maimonides, *Guide of the Perplexed* III.26.

secrecy. Sacraments other than baptism and penance are perhaps not necessary, or, if they are necessary, they are rather easy (for example, confirmation, Eucharist, extreme unction).

13 So in terms of ceremonial commandments, the New Law *as given by Christ* is far easier than the Old Law, and this lightness more than counterbalances the additional weight (if indeed there is some additional weight) in the moral precepts.

14 As for the judicial commandments, it is clear that the New Law is lighter, since Christ imposed no judicial commandments.

15 But if we are talking about the New Law not merely as it was given by Christ but as it has been proclaimed by others or as others have added to it, then one can say about the ceremonial commandments what Augustine said in the text cited above, *Ad inquisitiones Ianuarii*.¹¹

16 And as for the judicial commandments, it is licit to establish laws in order to preserve public peace, whether they are the laws found in the Law of Moses (some or all of them) or others; if others, whichever and however many they are. And those subject to these laws are bound to obey them, so long as they do not contradict the divine law. On this, see *Decretum*, distinction 9, chapter 1, *Quicumque legibus*.¹² And in this respect it could be said that the Christian Law is heavier, since in those days only priests or judges were allowed to make new laws, but now Christian rulers are allowed to do so.

17 Briefly, then, the burdens of the Christian Law as given by Christ are fewer, but they are perhaps more numerous insofar as other things have been added by those who have the

¹¹ Augustine, *Ad inquisitiones Ianuarii* I.2.2: "But as for other things that vary from one place or region to another . . . all this sort of thing is a matter of free observance, and there is no greater discipline in these things for a serious and prudent Christian than to live in the way that he sees the church lives, whichever church he may happen to come to: for whatever he is convinced is not contrary to faith or good morals should be regarded as indifferent and as something to be observed for the sake of fellowship with those among whom he lives." Ibid., I.2.3: "For I have often observed, with pain and sorrow, that the weak are greatly troubled by the contentious obstinacy or superstitious timidity of certain brethren who raise vexatious questions about the sorts of things for which no definitive boundary is laid down by the authority of the holy Scriptures or the tradition of the universal church or their usefulness for ordering human life, but because they have some notion about it, or that is how things were done back home, or they saw it elsewhere, and because of their travels they think the farther they are from home, the more they know; so they think they are smarter than everyone else, and they think nothing is correct unless it is what they do themselves."

¹² Gratian, *Decretum* pars 1 d. 9 c. 1.

authority to rule a Christian people. And we are bound by all such new laws established by the Church: see distinction 9 in the *Decretum*, chapters *Omnes* and *Nulli fas*.¹³

[B. On the means of assistance or help offered to us]

18 As for the second topic [n. 5], I say that Christ's passion, having now been offered, merits more grace for those who believe that it has been offered than, when it was yet to be offered, it merited for those who believed that it was going to be offered. And so our sacraments, which have their efficacy in virtue of the passion of Christ, which has now been offered, confer more grace than the sacraments of the Old Law.

19 In addition to this, we also have more sources of help from grace, since we have more sacraments than those under the Old Law had. For apart from marriage (if that even was a sacrament for them, a matter I will take up in Book 4 [d. 26 q. un. n. [12-13]]), they had no sacrament besides circumcision, and that as a remedy for original sin (as will be discussed in Book 4 [d. 1 [q. 3 n. 8]; [q. 6 n. 2, 9, 11-12], d. q. 2. n. [9]]). After falling away, if they could merit some grace by a movement of their own, very well—but in those days there was no sacrament instituted among them for experiencing such grace, since they did not have the sacrament of penance or anything else comparable to it. And so we have more sources of help for obtaining grace than they had.

20 Third, besides having more numerous and more efficacious sacraments than they did, we have more explicit teaching than they had, more numerous and more efficacious examples of saints to imitate, and, third, more merits on the part of the saints, who perhaps merited not only for themselves but also for us. And we also merit by invoking their help and intercession before God.

21 Therefore, sources of help are unqualifiedly more numerous and more efficacious in the Christian Law than in the Old Law, and therefore in this respect the Christian law is lighter.

22 And there is one very noteworthy source of help¹⁴: we have been explicitly promised eternal life for observing the Christian law, whereas they were seldom or never explicitly

¹³ Ibid., d. 19 c. 2, c. 5.

¹⁴ Reading *adiutorium valde notabile* (with all the MSS other than A) for the edition's *bonum adiutorium et notabile*.

promised anything but temporal goods.¹⁵ Now temporal goods never motivate the human soul to observe the law as much as eternal goods do.¹⁶

[II. Replies to the initial arguments]

23 In reply to the first argument [n. 2] I concede that even if the New Law contains all the moral commandments of the Old Law and adds others, or at any rate adds explications of some of the commandments (explications that were perhaps not binding on those under the Old Law), they do not add as much weight as do the many and heavy ceremonial and judicial commandments of the Old Law. Also, the abundance and efficacy of the sources of help in the New Law lighten the burden in such a way that the greater weight (if there is a greater weight) of the moral commandments does not exceed the weight of the others when one takes into account the sources of help available under the two Laws.

24 To the second argument [n. 3] I say that the difficulty in an act of virtue is not, in and of itself, on the part of the agent but rather on the part of the act. For it is more difficult for a stingy person to give one denarius than for a generous person to give four, and yet the stingy person is not as virtuous as the generous person. And it is not just any sort of difficulty on the part of the act that argues for greater virtue, but only the kind of difficulty that intrinsically involves the excellence of the object that is intrinsically achieved through the act. Now that sort of difficulty is compatible with an act's being lighter, for it is lighter to attain, by loving, a more excellent object¹⁷ than a less excellent object. And many such acts of excellence that have to do immediately with God are made explicit in the New Law¹⁸: for many acts of love immediately for God¹⁹ are made more explicit to Christians than to Jews. And it is no surprise that the Old Law is said to be a law of fear and the New Law a law of

¹⁵ Reading *illis autem vel raro vel numquam explicite nisi temporalia promittebantur* (Q) for the edition's *illis autem vel raro vel numquam explicite conceduntur aliqua, nisi bona temporalia et suffragia orationum nostrarum pro eis implorata quae tantum eis promittebantur*. BNYQ all omit the reference to prayers on behalf of the dead, for which the edition cites 2 Maccabees 12:43-46 (which does not quite contain an "explicit promise" of the sort that would be relevant here).

¹⁶ Reading *alliciunt . . . ad observandum legem bona temporalia sicut bona aeterna* (BNYQ) for the edition's *allicit . . . ad observandum legem aliquam bonum temporale sicut bonum aeternum*.

¹⁷ Reading *excellentius* (all but ASZ) for the edition's *excellens multum*.

¹⁸ Reading *Et talia opera excellentiae immediate respicientia Deum plura sunt explicata in Lege Nova* (Q) for the edition's *Et talia opera excellentiae immediate sunt respicientia Deum, et plura sunt explicata in Lege Nova*.

¹⁹ "for God"=*Dei*, omitted in the edition but present in all MSS other than A.

love.²⁰ Now love, especially love of the end, if that end is sought in all things, makes all burdens light, so that what the Savior says in Matthew 11[:30] is true: “My yoke is easy and my burden light.”

25 To him be honor and glory through infinite ages of ages. Amen.²¹

²⁰ Romans 8:15; Augustine, *Contra Adimantum* c. 17 n. 2; Bonaventure, *Sent.* III d. 40 a. un. q. 1 in corp.

²¹ Cf. Romans 16:27: “To him be honor and glory unto ages of ages [=for ever and ever]. Amen.”