

# A COMMENTARY ON JUSTICE CRISOLITO PASCUAL'S DISCUSSION ON DIVINE LAW IN THIS BOOK INTRODUCTION TO LEGAL PHILOSOPHY

By Angelo M. Cabrera

submitted to  
Judge Francisco Seville, Jr.  
Professor, Legal Philosophy  
University of San Carlos

This paper shall attempt to expound on the interesting discussion of the author, Justice Crisolito Pascual, on the topic Divine Law. Mention must be made of the impressive, if short, presentation by the author of the concept of divine law using as reference the Christian Bible. The discourse clearly showed an appreciation, if not a basic understanding of the spirit behind the teachings of the Bible in relation to man's relationship with and obligations towards God and his fellowmen.

Justice Pascual spoke of divine law as "the entire system of perfection which God, in His infinite wisdom imprinted in the whole of nature to govern its operations." It is the intention of God to have man live in a perfect world. The book of Genesis speaks of a time when man was in perfect fellowship with God in the Garden of Eden. The only condition for man to stay in this blissful state was for him to obey the very first law ever given man, "Ye shall not eat of the fruit of the tree which is in the midst of the garden." That first law involved a simple duty to obey God in order to maintain the perfect relationship and harmony with Him. Its violation, which ensued when Adam and Eve partook of the forbidden fruit, consequently affected this relationship and all creation including his environment and fellowman. Man was banished from paradise. No longer was everything provided for but he now had to struggle against the elements in order to provide food, clothing and shelter for himself and his family.

This God-man relationship, which is anchored on obedience on the one hand, and blessings on the other, is the same rule that basically governs today's civil society. The state is under a covenant relationship with its citizens whereby the former ensures the welfare of the latter on the condition that its laws are obeyed by him. A violation of the law necessarily results in a broken relationship, which necessarily produces consequences.

One of the consequent effects of a broken relationship with God is an imperfect relationship between man and his fellow being. The generation that followed Adam and Eve saw the first murder committed by Cain on his own brother. It is interesting to note that at the time that Cain slew his brother Abel, there were yet no Ten Commandments to speak of (Moses came many generations later). There was yet no imperative command, "Thou shall not kill."

Yet, the behavior of Cain after he slew his brother shows that he was filled with guilt and fear. Clearly he was bothered as he warded off the Lord's question with that famous line, "*Am I my brother's keeper?*" (Genesis 4:9). But why would he be bothered when he did not violate any existing law or commandment of God? Herein lies the first biblical account of natural law at work. The author, Justice Pascual, aptly describes the concept of natural law as "the universal discipline of virtue impressed in the heart and mind of human beings to guide them in the exercise of their rights, in the performance of their obligations, in the observance of rules, and in the preservation of peace and unity." Thus even without any written law, man knows in his heart good from bad. The author correctly mentioned St. Paul in his letter to the Romans (2:12-14), explaining and deepening the concept of natural law, as follows:

*"All who sin apart from the law will also perish apart from the law, and all who sin under the law will be judged by the law. For it is not those who hear the law who are righteous in God's sight, but it is those who obey the law who will be declared righteous. (Indeed, when Gentiles, who do not have the law, do by nature things required by the law, they are a law for themselves, even though they do not have the law, since they show that the requirements of the law are written on their hearts, their consciences also bearing witness, and their thoughts now accusing, now even defending)."*

With man having an imperfect relationship with both God and his fellow being as a result of his violation of God's first law, it became necessary for him to be given rules by which to govern his conduct in relation to God and his fellowmen. Thus the Ten Commandments were handed down to Moses and subsequent laws complete with remedies were written to guide God's people. Contrary to the misconception that God's laws in the Old Testament were limited to the Ten Commandments, the Bible actually contains many substantive laws, remedies, penal provisions and even case laws in the Books of Exodus, Leviticus and Deuteronomy. But the Ten Commandments is the moral law that is considered a direct command of God and requires strict obedience to govern the conduct of man in relation to God and his fellowmen. Justice Pascual gave a very good dichotomy of the Decalogue identifying the commandments which are purely religious in character and those which have social, ethical, and even economic implications. But whether they are religious or social in character, these laws have the same and only one purpose: to lead man back to God and restore his relationship with God in a state in which such relationship existed prior to the fall of man and consequently, restore the harmony among men in an atmosphere of love, brotherhood and peaceful co-existence.

This is why, in the New Testament, when Jesus was asked which among all commandments is the most important, He replied, "*Love the Lord your God with all your heart and with all your soul and with all your mind and with all your strength. The second is this: Love your neighbor as yourself. There is no commandment greater than this.*" In other words, Jesus was speaking of the

need to restore the relationship of man with God which was broken by the first sin and the relationship of man with his fellowmen, which was consequently affected. Jesus was not introducing a new divine law in the New Testament. He was merely bringing back the essence of that divine law found in the Old Testament as represented by the Ten Commandments. These Ten Commandments have a two-fold character, as explained by Justice Pascual. They are to promote love to the Lord (the religious character) and love to one's neighbor (the social and ethical character). The summary of the law given by Jesus is exactly in accordance with the two-fold character as it is presented in the Old Testament.

Justice Pascual captured the essence of Jesus' interpretation of the commandments as an "obedience that goes beyond overt observance for it is equally clear that sin may be committed in the mind even before it is translated into outward acts." In other words, Jesus was speaking of genuine obedience based on an authentic desire to please God. The religious leaders of the day, the Pharisees, were exacting and scrupulous in their attempts to follow their laws. But their weakness was that they were content to obey the laws outwardly without allowing God to change their attitudes. Jesus was saying, therefore, that the quality of man's goodness should involve inner attitudes as well as outward behavior. The interpretations of the various commandments by Jesus, as described by Justice Pascual in his book, are really reminders that God judges man's heart as well as his deeds. Man is therefore to be concerned about attitudes that people do not see as about his actions that are seen by all.

In Matthew 5:17 of the Bible, Jesus said, "I have not come to abolish the Law or the Prophets (book of Prophets) but to fulfill them." God's moral laws were given to help man love God with all their hearts and minds and love his neighbor as his self. When Jesus talked about a new way to understand God's laws, he was actually trying to bring people back to its original purpose – the restoration of man's relationship with God and consequently his fellowmen. The fulfillment of this original purpose happens when man, after having been restored to a right relationship with God, is now able to obey and fulfill God's Law.

The whole concept of divine law from the perspective of Christianity is this – that a perfect God desires a perfect place (a paradise) for man, which man rejected by his stubbornness and sin; that God gave man a written Law, the Decalogue, to guide him back to God; and because man continues to fail to do his part in obeying God's Law, God sent His Word, Jesus (the Word that became flesh – John 1:12) and implants Him in the hearts of men who believe. And to those who believe, "He gave them the right to become children of God." (John 1:12). They are restored to that perfect relationship with God, which in turn enables them to live in accordance with the divine command to love God and neighbor. Thus, that which is from the beginning, a perfect relationship between God and man in the Garden of Eden, is restored through faith in Jesus Christ. This is the essence of divine law in Christianity.