

What's Divine about Divine Law?

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1. Cicero – Stoic definition of divine law

Republic 3:33 [SVF 3.325], (describing the Stoic conception of natural or divine law):

(1) True law is right reason, in agreement with nature, diffused over everyone, consistent, everlasting... (3) It is wrong to alter this law, nor is it permissible to repeal any part of it, and it is impossible to abolish it entirely... (4) There will not be a different law at Rome and at Athens, or a different law now and in the future, but one law, everlasting and immutable, will hold good for all peoples and all times.

Greco-Roman law discourse – basic binary

<u>Divine Natural Law</u>	<u>Human Positive Law</u>
Necessarily conforms to or is truth	Doesn't necessarily conform to truth*
Grounded in reason	Grounded in will*
Rational*	Arbitrary*
Universal	Particular*
Unchanging/Immutable	Capable of change/Flexible*
Eternal*	Temporary*
Unwritten	Written*

*= trait possessed by biblical divine law

2. Philo

“...thus whoever will carefully examine the nature of the particular enactments [of the Mosaic Law] will find that they seek to attain to the harmony of the universe and are in agreement with the principles of eternal nature” (*Life of Moses* 2:52).

“In every respect the Holy Writings are true” (*QA on Gen* 1:12).

“In the poetic work of God you will not find anything mythical or fictional but the canons of truth all inscribed, which do not cause any harm” (*AC, Det.* 125).

“But Moses is alone in this, that his laws, firm, unshaken, immovable, stamped, as it were, with the seals of nature herself, remain secure from the day when they were first enacted to now, and we may hope that they will remain for all future ages as though immortal, so long as the sun and moon and the whole heaven and universe exist” (*Life of Moses* III).

3. Babylonian Talmud. Rosh HaShanah 25a

[R. Akiva] then said to [R. Joshua]: The text says, ‘you’, ‘you’, ‘you’, three times (Lev 22:32, 23:2, 23:4) to indicate that ‘you’ [may fix the festivals] even if you err inadvertently, ‘you’, even if you err deliberately, ‘you’, even if you are misled. [R. Joshua] replied to him saying: ‘Akiva, you have comforted me, you have comforted me.’

4. Midrash Numbers Rabbah II

When the Holy One, Blessed be he, said to him, “visiting the guilt of the parents upon the children” (Ex 34:7), Moses said: Master of the World, how many evil people give birth to righteous people? Shall they take [punishment] from the sins of the parents? Terah worshipped idols, and Abraham his son was righteous. And also Hezekiah was righteous, and his father Ahaz was a wicked man. And also Josiah was righteous, and his father Amon was a wicked man. Is it appropriate that righteous people shall receive lashes for the sins of their parents? God said to him: You have taught me something. By your life, I will nullify My decree and establish your word.

5. Midrash Exodus Rabbah 43:4

Thereupon [Moses] wrapped himself in his cloak and seated himself in the posture of a Sage, and God stood before him like one asking [for the annulment of] his vow;... What did he [Moses] say to Him? A hard thing... ‘Do you now regret [your vow]?’ He said to him, ‘I regret now the evil which I said I would do to My people’ (see Ex, 32:14). When Moses heard this, he said: ‘It is absolved for you, it is absolved for you. There is neither vow nor oath any longer’; for this reason does it say: *vayyehal Moshe* meaning that he absolved (*hehal*) the vow of his creator...

6. Seder Eliahu Zuta 2

To what can it be compared? To a king of flesh and blood who had two servants and loved them both with a perfect love. He gave each of them a measure of wheat and each a bundle of flax. What did the wise servant do? He took the flax and spun a cloth. He took the wheat and made flour. He cleaned the flour and ground, kneaded and baked it, and set it on top of the table. Then he spread the cloth over it and left it until the king would come. The foolish servant, however, did nothing at all. After some time, the king returned from a journey and came into his house. He said to his servants: my sons, bring me what I gave you. One servant showed the wheat still in the box with the bundle of flax upon it. Alas, for his shame, alas for his disgrace. When the Holy One Blessed Be He gave the Torah to Israel, he gave it only in the form of wheat -- for us to make flour from it, and flax, for us to make a garment from it”