

Discerning Right from Wrong

Today's Gospel (Matt 22:15-21) can be seen, among other ways, as a story about laws and their hierarchy. Laws are rules by which people in authority manage those they govern. Rightly understood, laws should be for the common good of the governed.

When the Pharisees asked Jesus whether it was lawful for Jews to pay the Roman census tax, they had an ulterior motive. They wanted (and may have expected) Jesus to answer in the affirmative, saying publicly, "on the record", that the tax was lawful. They hoped this would discredit him with his Jewish followers who deeply resented the tax. See Bishop Robert Barron's homily at https://www.wordonfire.org/wp-content/uploads/legacy/old_mp3s/wofpodcast/406.mp3

Instead of responding to the narrow question asked, Jesus announced a *general* rule that people should comply with their **lawful** obligations. This answer silenced the Pharisees as had Jesus' response when, on an earlier occasion, they asked him by what authority he taught. (Matt 21:23-27)

Had Jesus answered the narrow question, it would have led to consideration of when we're obliged or permitted to comply with civil law.

St. Thomas Aquinas saw civil law as part of a legal hierarchy.

- At the top is **eternal** law, the mind and wisdom of God, *the* primal law giver. It governs and defines the common good everywhere.
- Below it is **divine** law. It's revealed by God and contained primarily in parts of the Bible, e.g., the Decalogue ([Ex. 20:2-17](#); [Lev 19:3, 11-18](#); [Dt 5:1-33](#)) and Christ's teaching in the Gospels. It conforms to eternal law. For example, the Fifth Commandment (Ex. 2:13) declares the taking of innocent life is wrong.
- Next down is **natural** law. It conforms to both eternal and divine law. It's part of our very nature, i.e., the constitution with which God has endowed humans. It enables us to figure out, *by use of our reason alone*, what's good and what's evil. See *Catechism of the Catholic Church*, (2nd ed.)(2016) *para 1954-1959* So, *even without reference to eternal or divine law*, we know it's wrong to take innocent human life.
- At the bottom of the hierarchy is **civil** (sometimes called human or positive) law. It's promulgated by those claiming temporal political authority over us. The Roman census tax is an example. So were Alabama's segregation laws. See Dr. King's *Letter from the Birmingham Jail* (invoking Aquinas' exposition on natural law - "All segregation statutes are unjust because segregation distorts the soul and damages the personality")

Also relevant to assessment of civil law is what's called the Deposit of Faith. It consists of Sacred Tradition and the *Magisterium*. Sacred Tradition refers to the "transmission of the teaching of the Apostles through the development of doctrine, expressions of worship with respect to the Sacraments, and spiritual disciplines" (Armenio, *Highlights of the Catholic Faith*, pp 11-13, 2023). The Church's *Magisterium* is the body of teachings that have been authoritatively proclaimed by the bishops under the Pope. *Ibid*.

The Church teaches that when civil law is in harmony with eternal, divine and natural law and the Deposit of Faith, our compliance may be required. Such was the case with the Roman census tax. When civil law conflicts with them, our compliance is not only excused but forbidden.

My wife and I are privileged to serve as parish Respect Life Coordinators promoting the protection and flourishing of human dignity at every stage of its existence. In carrying out our charge, we often consult this hierarchy and the Deposit of Faith when assessing how, positively or negatively, a particular civil law or ideology affects that dignity.