

CHAPTER FOUR INCOMPLETENESS OF THE CODES

If we expect in the Mosaic Codes a complete legislation in the modern sense of the word, we shall surely be disappointed. As modern society, or even Roman life, shaped itself, it presents many a feature in its legislation for which the Codes of ancient Israel have no correlative. But the principle of Israel's constitution was radically different. The theocratic idea made every thing subordinate to itself; and the law presents this idea clothed in outward, ceremonial and civil forms. Accordingly, whatever is not so directly related to this one central conception as to be molded and transformed by it, is omitted, and left to existing usage or future provision. In this respect, the law does not preclude development or increase. It has a spirit as well as a letter, however the most recent critics may emphasize the latter, in order to substitute the notion of development for the former. On this point, diametrically opposite objections meet; for, whilst one finds fault with the law on account of incompleteness, another finds it far too elaborate and perfect for a nomad tribe just awaking to the first consciousness of a life of civilization. Both extremes may supplement and correct each other. We should constantly keep in mind, that the Mosaic legislation was intended for a peculiar people, that had a peculiar destiny. It was to live, to a large extent, isolated, and the more it could be protected against contamination by foreign influences, the better. There was no need of a Code that would provide for all the complicated relations that arise from a lively intercourse with surrounding peoples. On the other hand, the agrarian principle, on which the civil law proceeded, secured to every member of the Covenant-people an equal share in the promised inheritance of Canaan. It is obvious how largely this tended to simplify both public and private life among the chosen people. It would be historically wrong to institute a comparison between the Mosaic Codes and the Roman body of law. The Romans were the people of law *par excellence*: in Israel the law was a subordinate means to a higher and spiritual end, subservient and adapted to the peculiar position which the nation occupied, and to its unique calling in the history of God's Church.