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**I. INTRODUCTION**

It might occur to the reader that drawing principles from the Word can't be philosophy, but must be theology. Swedenborg explained his entire theology in two principles: "That God is one, and that there is a conjunction of charity and faith."<sup>1</sup> In some of his letters he also referred to the work *True Christian Religion* as the complete theology of the New Church.<sup>2</sup> Unquestionably, everything in the Word is theological—it is all an extension of the two first principles that Swedenborg identified. When the Lord in His Word expands on these two principles, that is theology. When humans do so, that is philosophy.

What do the Writings teach about philosophy? To begin with, they have a lot to say about how bad philosophy can be. Philosophy is bad when it "dwells solely in terms[.]"<sup>3</sup> It is bad when used to infer Divine truths from human reason and sensory perception alone.<sup>4</sup> The Writings especially condemn philosophy that believes in only

what can be seen.<sup>5</sup> This kind of thinking leads to darkness of the mind.<sup>6</sup> Philosophers

<sup>1</sup> ISB ¶ 20:5.

<sup>2</sup> Letter from Emanuel Swedenborg to Landgrave, June 18, 1771 (Harley trans., the author accessed this letter through *New Search 98* (second release) where it is passage 29 in the database LETT).

<sup>3</sup> SE ¶1605. *See also* AC ¶¶ 1626 (suggesting that this extinguishes spiritual ideas), 3348 (likened to “a froth full of dregs”), 4966 (even when good philosophy, if still only in terms, it leads to darkness); SE ¶¶ 767, 1602-7.

<sup>4</sup> *See* AC ¶¶ 2492, 6222; SE ¶¶ 2604-06.

<sup>5</sup> *See* AC ¶¶ 196, 231-3 (accentuated today by the cleverness of contemporary philosophy), 1626, 1911, 2124, 2568 (called “the negative principle”), 2588; HH ¶ 353.

<sup>6</sup> *See e.g.*, AC ¶¶ 2124 (“The reason for this is that [the members of the Christian Church] believe nothing except that which they grasp with the senses, and nowadays they not only reason from the senses but also do so about Divine arcana by means of a philosophy unknown to the ancients. As a result the light of understanding is utterly darkened; and that darkness is growing so deep that it can hardly be dispelled.”), 2492 (“Among those who wished to penetrate Divine arcana by means of facts, especially by means of *Toward a New Church Philosophy of Law*

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cause the most harm when they give their theories more importance than the “wisdom of life.”<sup>7</sup>

But the Writings also describe how philosophy can be useful. At the very least, philosophical reading can serve as a diversion of charity—as recreation!<sup>8</sup> More importantly, good philosophy can prepare the mind for true knowledge.<sup>9</sup> The abstractions of philosophy are good, so long as they are only a prelude to lessons from concrete experience.<sup>10</sup> Swedenborg approvingly compared his transition from a philosopher to a theologian with Jesus’ disciples’ transition from fishermen (which in the Word “signifies a man who investigates and teaches natural truths”) to “fishers of men,” or spiritual fishermen, discovering and teaching spiritual truths.<sup>11</sup>

In general, philosophy is good as long as it refines a person’s devotion to the Lord, without challenging it from a negative attitude. The Writings applaud the role of philosophy as a more specific kind of speech, useful in the expression of delicate ideas.<sup>12</sup> In this role philosophy can clarify and confirm Divine truths.<sup>13</sup> It is imperative that any philosophical speculations, and refused to believe until they were persuaded by means of these, it looks like something dark which is of such a nature that it absorbs rays of light and converts them into darkness.”), 2568, 4966; SE ¶ 2890 (“this is the truth, and a general law, against which, if arguments should be formed, nothing would be understood concerning the law and that truth; but there would only be accumulations or arguments, hence, darkness of mind”).

<sup>7</sup> CL ¶ 130 (“The most ancient people in this world did not acknowledge any other wisdom than wisdom of life. . . . The ancients, however, who came after those most ancient people, recognized as wisdom a wisdom of reason, and they were called philosophers. But today, many even call knowledge wisdom, for the educated, the learned, and the merely knowledgeable are called wise. Thus has wisdom fallen from its peak to its valley.”).

<sup>8</sup> *See* CHARITY ¶ 189 (“the reading of books containing opinions on . . . philosophy which give delight”).

<sup>9</sup> *See* CL ¶¶ 163 (as an appropriate part of a youth’s education), 186.

<sup>10</sup> AC ¶ 4574; ISB ¶ 20; DLW ¶ 189.

<sup>11</sup> ISB ¶ 20. *See also* Letter from Emanuel Swedenborg to Cuno, March 1769 (Acton trans., the author accessed this letter through *New Search 98* (second release) where it is passage 9 in the database LETT).

<sup>12</sup> CL ¶ 66 (applied); SE ¶¶ 1602-7 (“So they are nothing but true ideas couched in such formulas and terms, being thus a kind of philosophic language, more precise than other language, for otherwise the same matter would have to be expressed by roundabout ways, customary with those unacquainted with those terms”).

<sup>13</sup> *See* SE ¶¶ 2604-6 (demonstrated); AC ¶¶ 2588 (applied), 4658 (explaining that Aristotle used philosophy this way), 6326 (this use applauded by a philosopher in the spiritual world). *Cf.* AC ¶¶ 231-233 (“The truth *Toward a New Church Philosophy of Law*

New Church philosophy continually strive not to detract from the call to read and believe the Word.<sup>14</sup> It must never endanger “the simple heart” that is the seat of true wisdom.<sup>15</sup> The ideal is just the opposite: New Church philosophy should be a tool for education. A New Church philosophy should be a systematic vocabulary that clearly elucidates what the Writings reveal—for the purposes of this paper, what the Writings reveal about law. In the most general terms, philosophy of law attempts to systematically explain the origin, purpose or functions, and authority of a particular society’s laws, as well as the relationship of law to other social institutions (like religion, politics, economics, and in some systems, morality). This paper collects and organizes what the Writings for the New Christian Church contain regarding these four areas (the law’s origin, purpose or function, authority, and its place among the institutions of society). A New Church philosophy of law will address these four areas with rational reflection upon revealed truths, confirmed by experience in the world. It is toward such a system that this paper looks.

of all this cannot possibly be grasped by the senses, formulated knowledge, or philosophy. If these are consulted they deny those things outright, even though they are inherently true.”).

<sup>14</sup> See AC ¶¶ 1626 (“These things cannot be credited by one who has extinguished spiritual ideas by the terms and definitions of human philosophy, and by reasonings; and yet they are most true. That they are true might have been apprehended from the fact that they have been seen so frequently by the saints.”), 1911.

<sup>15</sup> See AC ¶¶ 196 (contrasting the philosopher, who talks of “the spirit” in terms he cannot actually understand, with “the simple in heart” who know the spirit exists because the Lord has said that it will live on in heaven), 1911 (“But the moment he believes in simplicity of heart that it is the truth because the Lord has declared it to be so, the shadows of illusions are at that point dispelled[.]”); LJ ¶ 39 (“Those who are simple at heart know better than the wise what constitutes goodness of life, and so charity, but not what faith is separately.”) (citing AC ¶ 4741 (“it is the mark of a wise one, and it is rationality, when something is first seen to be the truth and is substantiated only after that”) and AC ¶ 4754 (“Those in whom simple good is present acknowledge that the Lord’s Human is Divine and also that the works of charity must be done so that a person may be saved. . . . Those in whom simple good is present know what love is and what the works of love are[.]”)). See also SE ¶ 2663 (“On Simplicity.”).

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**II. A NEW CHURCH PHILOSOPHY OF LAW**

**1. Background: the Spiritual, the Moral, and the Civil**

***a. The Doctrine of Degrees: the Structure of Reality***

The Doctrine of Degrees is one of the most important and illuminating doctrines in the Writings. As the following passage explains, this doctrine applies universally:

This doctrine . . . extends not only to natural phenomena, but also to civil, moral and spiritual matters, and to each and all of their components.

The doctrine of degrees extends to these matters . . . for two reasons.

The first is that everything of which anything can be predicated has in it a trine called end, cause and effect, and these three are related to each other as degrees of height.

The second reason is that no civil, moral or spiritual matter is something abstracted from substance, but rather *they are substances*. For as love and wisdom are not abstractions, but are substance . . ., so likewise are all matters which we call civil, moral and spiritual. *One can indeed think of these abstractly from substances, but still in themselves they are*

*not abstract*. . . . By substance we mean also form, for substance does not exist without form.<sup>16</sup>

Each of these three levels, as a reality, is made of both good and truth. Good is subtle by nature, and the Writings do not amplify it here:

*Civil good* is that which a man does when acting in conformity with the civil law; and by this good and according to it a man is a citizen in the natural world. *Moral good* is that which a man does when acting in conformity with rational law; and by this good and according to it he is a man. *Spiritual good* is that which a man does when acting in conformity with spiritual law; and by this good and according to it a man is a citizen in the spiritual world. These goods follow in this order: spiritual good is the highest, moral good is the middle and civil good is the lowest.<sup>17</sup>

There is a similar order and distinction in the truths of each of the three levels:

*Spiritual truths* are the truths the Word teaches about God, . . . that the Holy Word is Divine, that there is a . . . heaven for those who live well, and [a] hell for those [who live ill]: besides many other . . . doctrines from the Word . . . .

<sup>16</sup> DLW ¶ 209 (emphasis added).

<sup>17</sup> LIFE ¶ 12.

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*Moral truths*, however, are the truths the Word teaches about a man's life in association with the neighbor, which life is termed charity[.] . . . To the truths of moral life belong also the opposites of these, which are destructive of charity . . . . The reason these also are termed truths of moral life is that everything about which a man thinks, 'That is so!' whether it is evil, or whether it is good, he places in the category of "truths"; for he says, 'It is true that this is evil,' or, 'It is true that this is good.' The above are moral truths. . . . Whereas *civil truths* are the civil laws of kingdoms and states, which can be summed up as having reference to the several principles of justice that ought to be observed, and conversely, to the different violations of them that men commit.<sup>18</sup>

The following chart summarizes the three degrees and their respective good and truth:

#### **GOOD<sup>19</sup> TRUTH**

Spiritual good is what a person does according to spiritual laws. This makes one a citizen of the spiritual world.

Spiritual truths are "attributes of faith derived from love and charity."<sup>20</sup> They "relate to matters of heaven and of the Church, and in general to the good of love and the truth of faith."<sup>21</sup>

Moral good is what a person does according to the rational law. This makes one a member of the human community.

Moral truths "pertain to the matters of everyone's life which have regard to companionships and social relations, in general to what is honest and right, and in particular to virtues of every kind."<sup>22</sup>

Civil good is what a person does according to the civil law. This makes one a citizen of the natural world.<sup>23</sup>

Civil truths “relate to matters of judgment and of government in kingdoms, and in general to what is just and equitable in them.”<sup>24</sup> In other words, “civil truths are the civil laws of kingdoms and states, which have relation, in brief, to many phases of justice that are observed, and on the contrary to the various kinds of violence that exist in act.”<sup>25</sup>

The symmetry of this chart serves to highlight the beautiful simplicity of this structure. Just as in reality, these three degrees serve as the foundation for the rest of this paper.

<sup>18</sup> D. WIS. ¶ 11:13 (emphasis added). See also HH ¶ 468.

<sup>19</sup> The statements in this column all paraphrase LIFE ¶ 12.

<sup>20</sup> AC ¶ 4710

<sup>21</sup> HH ¶ 468.

<sup>22</sup> *Id.*

<sup>23</sup> *And see* AC ¶ 4538:4 (civil good is “learned in the world by means of laws and statutes”).

<sup>24</sup> *Id.*

<sup>25</sup> D. WIS. ¶ 11:13.

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The very fundamental role of law should already be clear, as it defines the good in each of the three levels, as well as the truth of the lowest level.

### ***b. The Development of the Three Degrees in a Person***

As a general rule, what comes first is higher, more interior, or more holy than what comes thereafter.<sup>26</sup> Thus, the default ordering of the three degrees is 1) spiritual, 2) moral, and 3) civil. This ordering represents the degrees as they descend from highest to lowest; everything that descends from heaven proceeds through the degrees in this order.<sup>27</sup> This is not, however, the order in which the three degrees *develop*—in an individual or in a society.

The most direct way to introduce this process is by exploring how it works in the individual human. Thus, the Writings teach that: “everyone . . . has an internal man, a rational man which is in between, and an external man, which strictly speaking is the natural man.”<sup>28</sup> Notice the three degrees: spiritual, rational, natural. In the case of Christ, Jehovah was His “internal man.”<sup>29</sup> Christ’s external man was what He got from Mary—His body and physical senses, etc.<sup>30</sup> What was His “rational man”? The Lord’s experience followed the same path—if not the same subject-matter—as anyone’s, and indeed this passage addresses the question in terms of everyone:

<sup>26</sup> AC ¶ 8864:3 (“The reason why [‘I am Jehovah your God’] is the first truth to be stated by the Lord from Mount Sinai is that it must be present, reigning universally in each and every truth that follows. *For what is stated first must be held in mind and must be seen to reside universally in everything that follows. . . .* The truths which were stated by the Lord are all of this nature. That is to say, truths stated first must reign in those stated next and incorporate them; these in turn must reign in and incorporate those after that, and so on sequentially. In the present chapter the truths stated next are the Ten Commandments, which are inward truths, and after these the statutes, which are outward truths.” (emphasis added)).

<sup>27</sup> NJHD ¶ 277; DLW ¶¶ 189 (“Degrees of height are homogeneous, and one is from the other in succession like end, cause, and effect.”), 193 (“That these things in their order are like ends, causes, and effects, is evident; for the first, which is the least, effectuates its cause by means of the middle, and its effect by means of the last.”).

<sup>28</sup> AC ¶ 1893.

<sup>29</sup> *Id.* (“The internal man in the Lord was Jehovah Himself, for He was conceived of Jehovah . . .”).

<sup>30</sup> AC ¶ 1893:2 (“As before said, the Lord was born as are other men, and as regards all that He drew from Mary the mother He was like other men . . .”).

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The rational man does not exist with anyone when he is first born, only a potentiality to become rational, as may become clear to anyone from the fact that new-born babes do not possess reason but become rational as time goes by through the response of the senses to stimuli from without and from within, as knowledge and cognitions are bestowed on them.<sup>31</sup>

While the internal and external, or the spiritual and natural, exist within a person from birth, the rational level begins only as a “capacity.”

The rational level requires development. Indeed, “the rational part of man’s mind is conceived and begotten from the internal man as its father and from the exterior as its mother.”<sup>32</sup> In other words, when people are born they consist of an internal (of which they are not conscious) and an external (which composes their entire consciousness).

Communication between the internal and the external is “very obscure . . . until the formation of recipient vessels belonging to the memory has been effected by means of cognitions and knowledge.”<sup>33</sup> The internal, by means of affections, flows into the knowledge a person acquires as he grows.<sup>34</sup> Where this knowledge is of rational things, an “intermediate internal” develops.<sup>35</sup> The quality of this new level is consistent with the quality of the knowledge appropriated—if it is truth then this intermediate internal develops into a true rational level.<sup>36</sup> Thus, viewed developmentally the highest level comes first,<sup>37</sup> then the lowest level, and finally the middle level.

Another passage in this series offers an explanation of why the three degrees develop out of order (so to speak):

<sup>31</sup> AC ¶ 1893.

<sup>32</sup> AC ¶ 1900.

<sup>33</sup> *Id.*

<sup>34</sup> AC ¶ 1900:2 (“The influx of the internal man occurs as an influx into the cognitions and factual knowledge that are present in the exterior man - affection being the means.”)

<sup>35</sup> *Id.* (“But this life grows by degrees more definite as vessels are formed in the memory by means of cognitions and in the inner memory by rational concepts.”).

<sup>36</sup> AC ¶ 1900:3.

<sup>37</sup> It isn’t that the spiritual *develops* first, but that it exists first, and everything else flows from it.

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If man were not steeped in any hereditary evil, the rational would be born straightaway from the marriage of the celestial things belonging to the internal man with the spiritual things belonging to the same; and through the rational the faculty of knowing would be born. This would mean that on entering the world a person would possess straightaway within himself fully-formed faculties of reason and of knowing, for this would all be in accordance with the order that belongs to influx. This may be deduced from the fact that all animals without exception are born into a fullyformed faculty of knowing . . . because their inborn nature is in accordance with order. . . .

That which causes him to be born without any knowledge is hereditary evil received from his father and from his mother. Because of that evil all

his faculties are turned in a contrary direction insofar as goods and truths are concerned, so that the latter are not able through an immediate influx of celestial and spiritual things from the Lord to be translated into correspondent forms. This is the reason why man's rational has to be formed in an entirely different manner or way, that is to say, by means of facts and cognitions entering in through the senses, and so by the external route, thus by what is a reversal of order. In this way, miraculously so, a person is made rational by the Lord.<sup>38</sup>

The unavoidable presence of hereditary evils means that people must be led to the Lord and His truth. "Miraculously" this is accomplished through externals first, then through more internal things. Once the rational *is established, then* the Lord flows in, straight down the ladder from highest, through the middle, to the lowest.<sup>39</sup> This roundabout development preserves a person's freedom, and means that people really can come to the Lord on their own.<sup>40</sup>

Importantly, the Decalogue mirrors this developmental progression:

[T]he laws of spiritual life, the laws of civil life, and the laws of moral life are handed down to us in the ten precepts of the Decalogue. The laws of

<sup>38</sup> AC ¶ 1902.

<sup>39</sup> AC ¶ 1904:3 ("Intellectual truth is internal, rational truth is intermediate, while factual truth is external. . . . With everyone intellectual truth, which is internal, or that present within the inmost part of him, is not his own but is the Lord's with him. From this the Lord flows into the rational, where truth first appears as if it were the person's own, and through the rational into his faculty of knowing.").

<sup>40</sup> See TCR ¶ 48:8-15 ("Man is born without any knowledge so that he can acquire knowledge of all kinds and advance to intelligence and through this to wisdom. He is born without any loves so that he can acquire all kinds of loves, by putting to use his knowledge derived from his intelligence, and acquire love to God by means of love towards the neighbor. Thus he may be linked with God and so become fully man and live forever.").

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spiritual life are found in the first three precepts, the laws of civic life in the next four, and the laws of moral life in the last three.<sup>41</sup>

By giving His commandments in this order, the Lord accommodated *the rule* that what is stated first is higher than that which is stated thereafter to *the fact* that the Ten Commandments are rules for life. Thus in life people can approach the commandments one at a time, in the order given, and they will not fight against the current of the developmental process. They must first (and their childhood innocence can easily) have one God, keep His name holy, and keep the Sabbath. Next they will obey the external rules against disrespecting parents, murder, adultery, and theft, because these are external, immediately relevant rules. Finally, having experienced (and increasingly mastered) the civil rules, they can keep the moral rules against lying and coveting. These are internal actions, requiring a developed sense of right and wrong to identify and appreciate. Once all three kinds of rules live in our life, they begin to infill and glorify each other, from the spiritual rules, through the moral rules, to the civil rules—and back up again—if we allow them to guide our actions from religious ends.

#### ***c. The Development of the Three Degrees in Society***

If an individual person is a microcosm of creation—the smallest version of the image of the Lord—then a society, heavenly or earthly, is a macrocosm of that same image and order.<sup>42</sup> As a result it is possible to draw certain conclusions about society

<sup>41</sup> HH ¶ 531. Cf. TCR ¶ 444:2 (“If anyone’s thinking comes solely from the external man, he cannot fail to be surprised that the seven commandments of the second table were delivered by Jehovah on Mount Sinai amid such miraculous circumstances, when those same rules were enjoined by the laws of the civil legal system in every kingdom upon earth, including therefore Egypt, which the Children of Israel had just left; for no kingdom can last without them.”).

<sup>42</sup> TCR 739:8 (“For man is by creation a small-scale effigy, image and model of the great heaven. The human form is nothing else. Therefore each person comes into the community in heaven of which he is formed as a particular effigy. When therefore he comes into that community, he enters a form corresponding to himself, so passing from himself to himself in it, and from it to it in himself. He absorbs its life as if it were his own, and his own as if it were its.”); TCR 48:7 (“Man is a receiver of God, and a *Toward a New Church Philosophy of Law*

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based on the teachings regarding the individual. For example, it seems reasonable to conclude that if a human being develops the intermediate level from the influx of the internal level into the external level, then a society develops along similar lines. The posthumous work *Charity*, defining “general good,” implicitly confirms this extrapolation when it explains that: “The general good consists of these things: That in a society or kingdom there should be 1. What is Divine among them. 2. What is just among them. 3. What is moral among them.”<sup>43</sup> This passage presents the spiritual, the civil,<sup>44</sup> and the moral—the core of the general good—in the developmental order just discussed. The next passage explains that the general good exists not from the things themselves, but from each of the individuals there, and through the goods of use which they each perform—as what is Divine is indeed there by means of ministers, and what is just by means of governors and judges; as what is moral is there by means of what is Divine and what is just[.]<sup>45</sup>

A society’s intermediate level, its morality, exists “by means of what is Divine and what is just” within that society, in other words as a result of the interplay of society’s highest receiver of God is an image of God. Because God is Love itself and Wisdom itself, man is a receiver of both of these. The receiver becomes an image of God to the extent that he receives them. Man is a likeness of God by virtue of the fact that he feels in himself that what he receives from God is his as if it belonged to him. But still that likeness makes him an image of God to the extent that he acknowledges that the love and wisdom, or good and truth, in him are not his, and do not come from him, but are present only in God and therefore come from Him.”); NJHD ¶ 92 (“A society is a neighbor more than an individual person, because it consists of many. Charity is to be practiced towards it in the same manner as towards an individual person, namely, according to the quality of the good that prevails in it[.]”).

<sup>43</sup> CHARITY ¶ 130 (The series continues: “4. Diligence, skill, and uprightness among them. 5. The necessities for life. 6. The necessities for all kinds of work. 7. The necessities for protection. 8. Sufficient wealth, because these three kinds of necessities are procured with it.”).

<sup>44</sup> To me, justice seemed like it surely must be of the moral realm. However, as this collection of numbers demonstrates, it is of the civil realm: TCR ¶ 444; DP ¶ 104; CL ¶¶ 351, 425; AR ¶ 920; CHARITY ¶ 169; AE ¶¶ 794, 1112. See also AC ¶¶ 2915, 4730, 8120-8122, which LJ ¶ 39 says shows that “Civic good, which is justice, and moral good, which is goodness of life in the community, are the neighbour.” There is a certain ambiguity, however, when justice is treated as a virtue in man: in this case justice is attached to moral wisdom (as opposed to rational wisdom). See CL ¶ 164. And justice even appears in the highest level, as an attribute of the Lord. See AC ¶¶ 3921, 10803; NJHD ¶ 322; AR ¶¶ 805, 821 (but this is a topic for another paper).

<sup>45</sup> CHARITY ¶ 131.

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and lowest levels. The civil law carries the heavy responsibility of responding to the spiritual law in order to provide for society’s moral laws.



In conclusion, the three degrees of reality are the spiritual, the moral, and the civil. The good of each level is the life of a person in accord with that level's laws. The highest level comes first, and is one with God; the lowest level is the order imposed on the natural world by people; the middle level is a result of the interplay between the two. The following sections turn to a more detailed discussion of the three levels—in the order in which they develop.

## **2. The Laws Established by God**

### **a. *The Laws of Divine Order***

As all readers of the Writings quickly learn, the Lord is Divine Love and Divine Wisdom.<sup>46</sup> Divine Love and Divine Wisdom are the ultimate substance and form of everything that exists; in this fundamental role they are defined only in relation to each other (i.e. love is the substance of wisdom, wisdom is the form of love).<sup>47</sup> From this love and wisdom flow Divine Good and Divine Truth; these are simply a more accessible version of Divine love and Divine wisdom.<sup>48</sup> Divine good and Divine truth are always united<sup>49</sup>—or in the will and understanding of the imperfect human, always trying to unite.<sup>50</sup> Their union (or more precisely, the union of Divine love and Divine wisdom

<sup>46</sup> See DLW ¶ 29; TCR ¶ 43.

<sup>47</sup> See DLW ¶ 34-46.

<sup>48</sup> See SS ¶ 19; AR ¶ 200; D. Wis. ¶ 9

<sup>49</sup> See NJHD ¶¶ 13, 15 (“It is a law of Divine order that good and truth should be linked . . . so that they make a single unit”); CL ¶¶ 85, 87 (“Good does not exist by itself, nor truth by itself, but they are everywhere united”).

<sup>50</sup> AC ¶ 10122 (“For it is a law of Divine order that will and understanding should form a mind at unity, thus a person at unity”).

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from which they flow) creates an order in the universe.<sup>51</sup> In fact, “in heaven order consists in what is completely Divine and the Lord's, Divine Good being the inner essence of order and Divine Truth its outward form.”<sup>52</sup>

The Writings explain that this order governs through laws.<sup>53</sup> While the laws of order are “innumerable,”<sup>54</sup> Swedenborg describes many examples. It is a law of Divine order, for example, that exterior things are subject to (and serve) interior things.<sup>55</sup> Also, that good holds within itself its own reward, and evil its own punishment.<sup>56</sup> And finally, that there is nothing that is not balanced by its opposite.<sup>57</sup>

Since the governed elements in the spiritual realm are far beyond the reach of human participation, the laws of order are *descriptive* laws. Thus, to say that “law X” is a law of Divine order is simply to say that “law X” will always accurately describe the way things work. These laws of Divine order govern the natural world, spiritual world, and providence—in short, *everything*.<sup>58</sup> But descriptive laws are not the kind of thing that a person can live “according to.” By definition they are unavoidable. Thus there must be another form of God's law—spiritual law—that people can live according to, and thus be in spiritual good.

<sup>51</sup> See CL ¶ 85 (“Reason can also see that this is so from the order which each and every thing in the universe was created in, in which one thing exists for the sake of another, and in which one thing therefore depends on another, like the links in a chain”). See also DLW ¶ 52 (“The universe . . . can be said to be Divine love and wisdom in an image”).

<sup>52</sup> AC ¶ 7995 (emphasis added). See also TCR ¶ 71.

<sup>53</sup> AE ¶ 689 (these laws govern “every moment [of a person's life] from the beginning of his life even to eternity”). These laws also govern heaven (see AC ¶¶ 1728, 1919, 2258, 2447, 4839, 5703, 7995, 8512,

8513, 8700, 8988, 9987, 10119; TCR ¶ 87) and hell (AC ¶ 9049).

<sup>54</sup> AE ¶ 689.

<sup>55</sup> AC ¶ 5127; TCR ¶ 35:9; DP ¶ 136; SE ¶ 5709; NJHD ¶ 51.

<sup>56</sup> AC ¶¶ 9033, 4805, 8227, 8334, 9320; SE ¶ 3037.

<sup>57</sup> AC ¶¶ 689, 2128.

<sup>58</sup> AC ¶ 7206 (“Those laws form the structure of heaven, consequently the universe also.”); AE ¶ 1135 (“the laws of Divine Order respecting man’s reformation, regeneration and consequent salvation . . . are called laws of Divine Providence”).

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#### ***b. The Divine Laws of the Word***

The Writings often connect the laws of Divine order to something called the Divine law—sometimes translated “the law of God” or “God’s law.” In at least one passage the Writings even equate the two:

Divine order knows no other way than this, and therefore the law of God [or Divine law] too knows no other way, for every law of God is a law of order, so entirely so that whether you say a law of God or a law of Divine order it amounts to the same thing. <sup>59</sup>

This makes a distinct separation of the two ideas difficult. To a legal researcher this is the height of obscurity; in the ideal legal framework every word must have one and only one meaning. But this is far from the state of the Writings, and there are surely many rational justifications for this fact (all for an entirely different, more ambitious exposition).<sup>60</sup>

Consistent with the organic logic of the Writings, several passages suggest distinctions between the laws of Divine order and the Divine laws. If the laws of Divine order most directly address Divine good and Divine truth,<sup>61</sup> the Divine laws directly

<sup>59</sup> AC ¶ 7186. It is possible to read this to say something like “every ‘member of subclass B’ is a ‘member of class A,’ such that whether you say ‘member of subclass B’ or ‘member of class A’ it amounts to the same thing.” It is possible, but it is not necessary.

<sup>60</sup> I apologize if this surrender is premature. Lack of time and understanding have dictated this result. A potential limited explanation might begin with Swedenborg’s striking account of the complexity of Angel speech at SE ¶ 155 (“the angels’ speech cannot be perceptible to us, because it contains countless elements almost simultaneously”). Perhaps the next fruitful passage is AC ¶ 4197 (“The requirement in the representative Church that the truth must always be established on the testimony of two or three witnesses, not on that of one, . . . originates in the Divine Law that one truth does not make good firm but many truths do so. For one truth unconnected to others does not confirm it only a number together, because from one truth it is possible to see another. One by itself does not give any form to good, and so does not manifest any essential quality possessed by good; but many in a connected series do so For just as one musical note by itself does not constitute the melody, still less the full harmony, neither does one truth achieve anything.”). Finally, to give the reader a sense of the occasional opacity (to human minds) of heavenly secrets, Swedenborg summarized several passages from the *Arcana Coelestia* this way: “The Lord governs the first and last things of order, and He governs the first things from the last, and the last things from the first; and thus He holds all things together in connection and order[.]” EMANUEL SWEDENBORG, *THE NEW JERUSALEM AND ITS HEAVENLY DOCTRINE* ¶ 279 (Rudolph L. Tafel trans., Swedenborg Society 1911) (1758).

<sup>61</sup> AC ¶¶ 2447, 7995, 9182.

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address charity and faith.<sup>62</sup> They are plain “truths from the Word.”<sup>63</sup> Perhaps most significantly, whereas the laws of Divine order lie in the distant obscurity of the purely spiritual, the Writings repeatedly offer this extremely specific definition of the Divine

law (or God’s law):

In a broad sense God’s law means the whole Word; in a narrower sense it means the historical section of the Word; in a restricted sense it means what was written through Moses; and in a very restricted sense it means the Ten Commandments written upon Mount Sinai on tablets of stone.<sup>64</sup>

While some passages do equate the Ten Commandments (the narrowest definition of the Divine law) with the laws of Divine order,<sup>65</sup> the Writings only use this particular broad-to-narrow definition to identify the Divine law. In this way it appears that the Divine laws might differ—if only for the sake of the human understanding—from the laws of order in a kind of degree. It could also be that the Writings equate the two ideas only to emphasize their shared origin. This reading would generously allow the reader to grant credence to both sets of passages.

Assuming that there is a degree of separation between the laws of Divine order and the Divine laws leads to a final distinction between the two. While laws of Divine order—purely spiritual laws—are descriptive, there are many examples of *prescriptive* Divine laws. The most important are the ten in the Decalogue and the one great

<sup>62</sup> AC ¶ 7167 (“the law of God consists of nothing else than aspects of charity and faith”).

<sup>63</sup> AR ¶ 815; and note the parallel between “truths of good” and “truths of the Word,” given that the Word is partially Divine good.

<sup>64</sup> AC ¶ 6752. *See also* AC ¶¶ 7463, 8695, 9396, 9416, 10451, 10632; AE ¶¶ 204, 222, 329, 392.

Interestingly, whereas AC ¶ 6752 introduces the “Divine law” as the internal meaning of Moses—and then proceeds to define “the Divine law”—most of these passages are identifying the signification in the Word of “the law” (as used by the authors of the Old Testament as well as by Jesus). This could be read to imply that all of “the law” addressed by the Word is only the Divine law. Swedenborg though is obviously not intending to describe the Divine law when he comments on the laws of states and nations.

<sup>65</sup> AC ¶ 8512; TCR ¶ 110 (“To prepare oneself to receive and be linked to God is to live in accordance with Divine order, and the laws of order are all the commandments of God”); but see DP ¶ 329 (“the precepts of the Decalogue are the Divine laws themselves”).

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commandment spoken by Jesus, but there are others in Leviticus and Deuteronomy. The shift from descriptive to prescriptive is essential for people to be able to participate in the spiritual good that these laws identify (it is no accident that the Writings refer to the Decalogue as “laws of life”).<sup>66</sup>

It is important to recognize that that the Ten Commandments are *all* Divine laws.

This does not need to contradict with the passage quoted above, which refers to the first three commandments as spiritual laws, the fourth through seventh commandments as civil laws, and the eighth, ninth, and tenth commandments as moral laws.<sup>67</sup> As will be discussed below, it was important for spiritual reasons that all ten were given from Mount Sinai. Since they were spoken by the Lord, all ten can be followed as spiritual laws, but the Lord in the Writings commends the middle four Commandments to society as ideal civil laws.<sup>68</sup>

### **3. The Laws Written by Humans**

The Writings use the word “civil” not to distinguish statutory law from common law, or to distinguish between non-criminal and criminal sanctions, but rather to identify the laws of an earthly society. Wonderfully, understanding what the Writings teach about civil laws will also further explain the great importance of the civil degree in relation to the spiritual and moral degrees of the law.

#### *a. The Necessity of Civil Law*

The passages in the Writings that come closest to plainly stating the purpose of the civil law all assert something along these lines: no society can survive without civil

<sup>66</sup> AC ¶¶ 9211, 9417.

<sup>67</sup> HH ¶ 531. See note 41 *supra* and accompanying text.

<sup>68</sup> Cf. TCR 444, quoted *supra*, note 41.

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laws.<sup>69</sup> On the most basic level this is because the civil law is the “external restraint” or “outward bond” that prevents people from doing harm.<sup>70</sup> But why does society deserve this protection?

The Writings occasionally describe governments in various heavens. Each government is different, but “all the forms of government there agree in one respect, in focusing on the public good as their objective, and within this good, the good of each individual.”<sup>71</sup> This is because, the passage goes on, the Lord loves everyone and provides out of Divine Love that the common good be the source from which individuals receive their own good. Each one receives what is good as he loves the whole. For to the extent that one loves the whole, he loves everyone and each one. And because this love is the Lord’s he is beloved by the Lord to that extent, and is given what is good.<sup>72</sup>

There is a great circle around the Lord, the individual, and the individual’s society. Emulating the Lord’s love for the individual by loving everyone, the individual opens him or herself to the love of the Lord. Swedenborg reinforces this elsewhere, asserting that “[a person] is born to the end that he may become a charity; but he cannot become a charity unless he constantly does the good of use to the neighbor from affection and

<sup>69</sup> See CL ¶ 351 (“These injunctions are civil laws of justice in all countries of the earth, for without them no state would survive”); TCR ¶¶ 117, 282 (“were there no laws against such wickedness, any kingdom, republic or established society would be at an end”), 444; LIFE ¶ 53 (“for a society, state or kingdom without these laws would perish”); AR ¶ 529 (“What nation throughout the entire world does not know that it is evil to kill, commit adultery, steal, and bear false witness? If these things were not known, and if care were not taken that such things be enacted by means of laws, it would be all up with the nations, for a society, a republic, or a kingdom would fall without these laws.”).

<sup>70</sup> This is something that the Writings repeatedly assert regarding the civil law. See e.g. EMANUEL SWEDENBORG, EARTHS IN THE UNIVERSE ¶ 90 (John Chadwick trans., Swedenborg Society 1997); EMANUEL SWEDENBORG, LAST JUDGMENT (POSTHUMOUS) ¶ 146 (N. Bruce Rogers trans., General Church of the New Jerusalem 1997); EMANUEL SWEDENBORG, BRIEF EXPOSITION ¶¶ 11, 113 (Rupert Stanley trans., Swedenborg Society 1953); AC ¶¶ 81, 1077, 1080, 1835, 1944, 2826, 3295, 4167, 4217, 4459, 4793, 5145, 7364, 7437, 8910, 8911, 9120, 9587, 10030; AE ¶¶ 107, 195, 233, 325, 696, 790, 797, 803, 1009, 1012, 1133, 1189; CL 105, 153, 267, 291, 319, 351, 483, 494, 528; DP ¶ 215; LIFE ¶ 111; HH ¶ 257, 319, 472, 508, 509, 530, 573; NJHD ¶¶ 71, 136, 139, 164; SE ¶¶ 1788, 2201, 2603, 3253, 3716, 4389, 4622, 5353, 5744; TCR ¶¶ 309, 316, 400, 422, 455, 498, 518, 532, 662, 666.

<sup>71</sup> HH ¶ 217.

<sup>72</sup> *Id.*

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delight.”<sup>73</sup> And further, “the general good exists from the goods of use the individuals each perform; and the goods of use they each perform subsist from the general good.”<sup>74</sup> Thus as long as people can to go to heaven, civil society, as an arena for use, will be their ideal vehicle.

These passages show that, first, civil society is important if for no other reason

than that the Lord “ordains” that it exist, and second, it is important because everyone needs a society of others outside themselves in which to become charitable, fulfilling the purpose of creation. Civil laws, at their most external, *must* operate to sustain this by preventing people from harming other individuals or society as a whole. But there is yet another more internal, more personal use that the civil law *may* perform. While we could call the restraint of the disorderly a “negative use,” the civil law can also perform a more “positive use” in a person, and it is in this phase that the civil law most clearly supports the two degrees above it.

### ***b. The Civil Law’s Support of Heaven***

At the heart of the Doctrine of Degrees is the teaching that “[t]he last degree embraces, contains, and is the foundation of the prior degrees.”<sup>75</sup> Recall the discussion, *supra*, of the fact that the civil level carries the heavy burden of responding to the spiritual level in order to foster a moral or rational level. This section introduces the internal way that the civil law aids this process.

On the most personal level, the Lord wants every individual to come to Him in heaven. The mechanism for this journey is reformation and regeneration. Reformation means modifying one’s behavior to comply with order. Regeneration is the Lord’s part

<sup>73</sup> CHARITY ¶ 126.

<sup>74</sup> CHARITY ¶ 127.

<sup>75</sup> DLW ¶ 209.

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of the process where, as the individual reforms, the Lord gradually delivers to the individual a new more heavenly will.<sup>76</sup> Laws, including civil laws, play an important part in reformation.

The Lord intends that the fourth, fifth, sixth, and seventh commandments of the Decalogue be civil laws.<sup>77</sup> The Writings assert that the Children of Israel already prohibited disrespect for parents, murder, adultery, and theft in their traditional laws because “their fellowship or society could not have survived” otherwise.<sup>78</sup>

And yet the same laws were then proclaimed by Jehovah God on Mount Sinai in a stupefying and miraculous manner. But the reason they were so proclaimed was to make those laws also laws of religion, so that people might do them not only for the good of society, but also for God, *and in doing them for God out of religion, be saved.*<sup>79</sup>

The civil law plays two simultaneous roles: 1) it is the foundation of society; 2) it is the foundation of individual salvation. When an individual obeys the civil law for a religious reason “his thought and intention are conscience, and he has heaven in himself.”<sup>80</sup> In other words, when a person avoids civil infractions because they are “against God and against the neighbor”<sup>81</sup> then the Lord links Himself to that person, and the person is reciprocally linked to the Lord—“his faith thus becomes a living and saving faith, and his actions become charity, which also is living and saving.”<sup>82</sup> Such a life is one of continual genuine piety, prayer, and worship of the Lord.<sup>83</sup> In sum,

<sup>76</sup> See generally TCR ¶¶ 571–625.

<sup>77</sup> HH ¶ 531. See note 41 *supra* and accompanying text.

<sup>78</sup> CL ¶ 351:2

<sup>79</sup> *Id.* (emphasis added). See also AE ¶ 902 (“Spiritual life is procured solely by a life according to the precepts in the Word . . . . [F]or when a man does them, then his works are good, and his life is spiritual. The reason is, that so far as a man flees from evils and hates them, so far does he will and love goods.”).

<sup>80</sup> HH ¶ 358.

<sup>81</sup> *Id.*

<sup>82</sup> TCR ¶ 74:3.

<sup>83</sup> AE ¶¶ 325:4 (“Real piety is to act in every work and in every function sincerely and rightly, justly and equitably, and this because it is so commanded by the Lord in the Word; for thus a man in every work he *Toward a New Church Philosophy of Law*

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man possesses heaven from living according to the precepts, for hence he has conjunction with the Lord[.] [T]herefore it is said, “*If ye walk in my statutes, and observe my precepts, and do them, I will give peace in the land[.]*”<sup>84</sup>

#### **4. The Moral Law**

The Lord’s gift of “peace in the land” is not the promise of a miracle, as much as it is the necessary result of a society of people who follow the civil law for religious reasons.<sup>85</sup> This secondary purpose of the civil law is also the moral life, explained in the following passage from *True Christian Religion*:

Contemplation of moral life in its essence can show that it is life in accordance with human laws and at the same time Divine laws. If anyone therefore lives in accordance with those two sets of laws treating them as one, he is a truly moral person, and his life is charity.<sup>86</sup>

Does this mean that there is no independent “moral law”? This is another case (similar to the confusing relationship of the laws of Divine order and Divine laws) where the Writings are less than clear. While the above passage fails to mention any law governing the moral realm, in other passages the Writings often do make a distinction between “moral law” and “civil law.”<sup>87</sup> For example (already mentioned twice), a passage in does look to heaven and to the Lord, with whom he is thus conjoined.”), 696:10 (“to keep and do His statutes and commandments, and to swear in the name of Jehovah, means worship from the good of love. For to keep and to do statutes and commandments is the good of life, which is the same as the good of love, since he who loves also lives.”), 325:12 (“a man continually prays when he is in the life of charity, although not with the mouth yet with the heart”).

<sup>84</sup> AE ¶ 365:14 (emphasis added) (quoting Leviticus chapter 26 verse 3 (“If ye walk in My statutes, and keep My commandments and do them”) and verse 6 (“I will give peace in the land”).

<sup>85</sup> I do not mean to contradict the fundamental fact that all of life is miraculous, and a gift from the Lord. I mean only to highlight the fact that the “peace in the land” does not come by *fiat*, but, rather, logically from the order that is (and is from) the Divine (which is miraculous indeed!). See TCR ¶¶ 71-74.

<sup>86</sup> TCR ¶ 445.

<sup>87</sup> See e.g. TCR ¶ 432 (“Private charitable duties are also numerous; for instance, paying workmen their wages, paying interest on loans, honoring promissory notes, keeping deposits safe and such like. Some of these are duties imposed by criminal or civil law, some by moral law.”); AE ¶ 902 (“This is the reason that the [peoples], outside the church, who do those precepts from religion, are all saved, but none of those who do them only from civil and moral law.”).

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*Heaven and Hell* classes the first three commandments as spiritual laws, the next four as civil laws, and the final three as moral laws.<sup>88</sup> But then compare this passage:

The reason why, when a moral life is at the same time spiritual, this is charity, is that the practices of a moral life and a charitable one are the same. Charity is willing good to the neighbour and as a result dealing well with him; and this too is the concern of a moral life. The spiritual law is the one prescribed by the Lord:

Everything you wish people to do to you, do the same to them; this is the Law and the Prophets. *Matt. 7:12*.

This same law applies universally to moral life. But it would take a great many pages to list all charitable deeds and compare them with the deeds prescribed by a moral life, so merely six commandments of the second table of the Ten Commandments can serve as an illustration. It is plain to anyone that they are the commandments of moral life; and it may be seen above (329-331) that they also contain everything to do with love towards the neighbour. Charity fulfils all these commandments, as is clear from the following passage of Paul:

Love one another, for he who loves another has fulfilled the law. For the commandments, You are not to commit adultery, You are not to commit murder, You are not to steal, You are not to be a false witness, You are not to covet, and any other commandment there may be, these are all summed up in this phrase: You are to love your neighbour as yourself. Charity does not do evil to the neighbour; it is the fulfilment of the law. *Rom. 13:8-10*.<sup>89</sup>

At first this passage appears to say that the only moral law is actually a spiritual law—the golden rule. But then the passage calls the last six of the Ten Commandments “of moral life.” Thus in one passage it appears that spiritual laws and civil laws are actually the same as moral laws. This passage from *Conjugal Love* seems to further confuse things: “rational law is founded on spiritual law, *since the Divine law and rational law are the same.*”<sup>90</sup>

But perhaps this idea of the rational law is the solution to the puzzle. After all, as explained earlier, the “moral good is that which a man does when acting in conformity

<sup>88</sup> HH ¶ 531. See note 41, *supra*, and accompanying text.

<sup>89</sup> TCR ¶ 444.

<sup>90</sup> CL ¶ 276 (emphasis added).

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with rational law.”<sup>91</sup> Unlike the spiritual realms, the civil *and* the moral are both subject to man’s influence.<sup>92</sup> A generous reading of the foregoing passages can bring them into harmony. As an arena of human behavior, the moral realm never loses its dependence on the other two. The one “moral” law that can be articulated is actually a spiritual law—the golden rule. But this rule does little work on its own, more often manifesting itself in the intentions of a person living by the civil law—especially as exemplified by the last seven of the Ten Commandments. But this application of the Divine laws to the civil laws requires rationality—defined as “the faculty of understanding truths and thus falsities, and of understanding goods and thus evils[.]”<sup>93</sup> If this is so, then it is true that the moral law is nothing different from the spiritual (Divine) law or from the civil—it is both combined in the judgment of the individual who is seeking justice.

Thus, it is through the middle level that the highest and lowest levels join to most fully guide the lives of individuals in society. The following section addresses the administration of the law in civil society. There is an interesting connection between morality and the administration of the law, in that judgment and justice are inherent to both.<sup>94</sup>

## **5. The Administration of the Civil Law: Enlightenment and Judgment**

### ***a. Enlightenment***

The origin of law lies in the laws of order, accommodated to use in this world through the Divine law, which is itself the Word—especially the Ten Commandments.

<sup>91</sup> LIFE ¶ 12. See notes 17 and 19, *supra*, and accompanying text.

<sup>92</sup> AE ¶ 825 (“a man thinks from civil and moral laws when he is in a natural state, but from the Divine laws when he is in a spiritual state”).

<sup>93</sup> DLW ¶ 264.

<sup>94</sup> I apologize for the short treatment of this subject. It deserves a full summer’s work of its own, as well as its own paper! Hopefully this section can serve as a beginning, without distorting the truth.

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But events do not always break themselves down into the ten simple categories of the Decalogue. Yet a person who is trying to lead a life in accordance with those commandments needs some way to determine what is following the law and what is breaking the law. This mechanism is enlightenment, precisely described in the Writings: The nature of a person is such that he is able to use his inner powers of thought and will to look downwards or to look upwards. Looking downwards consists in looking away to the world and to self; and looking upwards consists in looking towards heaven and towards God. The person looking outwards is self-directed; this is called looking downwards because when a person is self-directed he looks towards hell. But a person looking in an inward direction is not self-directed but is directed by the Lord; this is called looking upwards because as to his inner powers of will and understanding he is then raised by the Lord towards heaven, and so towards the Lord. Those inner powers themselves are literally raised up, and at the same time are literally drawn away from the body and the world. When this happens the person’s inner powers do literally pass into heaven, and into its warmth and light. . . . Since the person is then among angels they impart an understanding of truth and an affection for good to him, that is, the Lord does so through them. This imparting is what the terms ‘influx and enlightenment’ serve to describe.<sup>95</sup>

People can direct their inquiries towards the Lord, and when doing so are raised up into the light of heaven. As always, there is an important qualification:

But it should be recognized that the extent to which influx and enlightenment are brought about depends on the person’s ability to receive what is imparted; and this ability depends on his love of truth and good.

*People therefore who have a love of truth and good because they see truth and good as the end in view are raised up; but those who have a love of truth and good because they see self and the world, not truth and good, as the end in view are constantly looking and gravitating downwards. These as a consequence cannot be raised, and so cannot receive Divine influx from heaven and become enlightened.*<sup>96</sup>

Here then is a roadmap to enlightenment: hone your loves to be loves of what is good and true for their own sake; then look to the Lord for direction.

<sup>95</sup> AC ¶ 10,330:2.

<sup>96</sup> AC ¶ 10,330:3 (emphasis added).

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Enlightenment can also be either interior or exterior. With “inner enlightenment from the Lord”

a rational person perceives about many things the moment he hears them whether they are true or not; for example that love is the life of faith or that faith lives by love. By interior enlightenment a person also perceives that a man wills what he loves and does what he wills, consequently that to love is to do; . . . [etc.] By inner enlightenment a rational man also perceives the following truths at once on hearing them: God is One; He is omnipresent; all good is from Him; . . . [etc.] A man perceives these and other similar truths inwardly in himself on hearing them and does so because he possesses a rationality which is in heaven’s enlightening light.<sup>97</sup>

Rationality, in the light of heaven, ensures the perception of truth. The greatest source of truth, the Word, is an important part of this interior enlightenment.

[The] corroboration of truths comes about through enlightenment received from the Lord when a person focuses his attention on the Word to the end that he may have a knowledge of truths.<sup>98</sup>

This is a practical tool, useful not only in pondering higher spiritual questions, but also external ones—as long as this is in order:

[W]hen those who are interested in external things and at the same time in internal ones read the Word they receive enlightenment, and with that enlightenment they see truths, which after that are corroborated for them over and over again.<sup>99</sup>

In other words, perception of truth in the Word bestows on the enlightened reader the ability to recognize and “corroborate” that truth wherever it is seen. Exterior enlightenment furthers this process.

[Exterior] enlightenment is enlightenment of one’s thought from this inner enlightenment. One’s thought is in this enlightenment so far as it remains in the perception it has from inner enlightenment and so far as it possesses knowledge of good and truth, for it gets from this knowledge reasons confirming it. Thought from [exterior] enlightenment sees a matter on

<sup>97</sup> DP ¶ 168:2 (emphasis added).

<sup>98</sup> AC ¶ 7012.

<sup>99</sup> *Id.*

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both sides; on the one it sees *reasons* which confirm it, and on the other, the *appearances* that weaken it; it dispels these and assembles the reasons.<sup>100</sup>

Internal devotion to the Lord and to what is good and true brings an internal perception of good and truth. Externally, as long as this perception is supported by knowledge about good and truth, or facts and ideas that are good and true, truth will be seen and distinguished from mere appearances. This faculty is the key to deriving good civil laws from the laws of Divine Order and the Divine laws that the Lord teaches in the Word and is thus essential for executives, legislators, and judges. Several passages about ideal leadership confirm this; for example: “Law that is the embodiment of justice must be framed by wise and God-fearing legal experts in the country, and then both monarch and

subjects must live in accord with it.”<sup>101</sup>

Thus, while the civil law *can* originate in the raw mandate of the rulers, the civil law *should* originate in the Divine laws of order, in that the lawmakers look to those higher laws—through the lens of their reason, and the Word, to inform the laws they draft for this natural plane.<sup>102</sup>

### ***b. Judgment***

#### *i. The Fundamental Role of Judgment in Being Truly Human*

The Rev. W. Cairns Henderson wrote that, as used in the Writings, judgment means essentially acceptance and rejection, especially that acceptance and rejection which result in the separation of the good from the evil. The exercise of judgment is therefore an integral part of freedom;

<sup>100</sup> DP ¶ 168:3 (emphasis added).

<sup>101</sup> AC ¶ 10,804; *see also* AC ¶ 10,792; CHARITY ¶ 161; NJHD ¶¶ 313, 323.

<sup>102</sup> The derivation of civil law from Divine law is a subject for another paper. The Writings do not directly address the topic, but they set examples in the way that the laws of the Children of Israel were derived from Divine laws (*see* AC ¶¶ 4335, 8906, 8907, 8908, 9182; CL ¶ 276). The Writings also discuss the idea that the law has both an internal and an external (*see* AC ¶¶ 7381, 9211; TCR ¶ 444; Div. Wis. ¶ 11; AE ¶ 825; HH ¶ 531).

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and as freedom, together with rationality, makes the human itself, judgment enters into the life of every man.<sup>103</sup>

Freedom is not the only thing that relies on judgment. *True Christian Religion* explains that it is also essential for true charity, because charity is acting in every deed and employment from a love of justice combined with judgment. . . . [T]hat is, . . . a person looking to see, when he does something charitable, whether he acts from justice; and it is judgment which allows him to see this.”<sup>104</sup>

Only judgment, applied in the pursuit of justice, will prevent acts that seem charitable from being uncharitable by empowering an evil person or causing some other harm indirectly. Judgment, as a fundamental part of human freedom and true charity, is essential to spiritual life.

#### *ii. The Fundamental Role of Judgment in Civil Society*

If judgment is fundamental in the microcosm of the individual, it is not surprising to find that judgment is also fundamental to the macrocosm of human society in general. According to this passage in *Conjugal Love*, just as civil society depends on civil laws for its existence, it also needs judgment to survive:

Who does not see that if people were not allowed to judge of the moral life of those dwelling with them in the world, society would collapse? What would become of society if there were no public courts of law, and if no one was permitted to have his judgment of another? But to judge what the inner mind or soul is like within, thus what a person’s spiritual state is and so his fate after death - of this one is not permitted to judge, because it is known to the Lord alone. Nor does the Lord reveal it until after death, in order that everyone may do what he does in freedom, and that good or evil may consequently be from him and so in him, and the person thus live his own life and be his own person to eternity.<sup>105</sup>

<sup>103</sup> Rev. W. Cairns Henderson. *Judgment*, 82 New Church Life 107, 107 (March 1962) (footnote omitted)

(this is the first of three installments; the second is at 82 New Church Life 143(April 1962); the final installment is at 82 New Church Life 241 (May 1962). See AC ¶ 4638:4; AE ¶ 875; DLW ¶ 264; AR ¶ 427.

<sup>104</sup> TCR ¶ 459:13, 14.

<sup>105</sup> CL ¶ 523.

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Thus, in order for human society to exist there needs to be judgment of the individual's externals; in order that there be free individuals within that society everyone must refrain from judging the individual's internal spiritual state. External judgments occur everyday in a myriad of interactions between people. Think about deciding when to go to bed, how much to tip the waitress, or where to send one's kids for school. But as the passage above reaffirms, judgments also happen in official courts of law.

*iii. The Institutional Role of Humans as Legal Judges.*

One of the most harassing questions for legal philosophers is how society should decide who takes on the role of official judge. What are the qualifications for such a position? The Writings address this question directly in several passages, presenting pictures of good and bad judges. The work *Divine Providence*—in the passage that distinguishes between interior and exterior enlightenment—also describes interior enlightenment from man (as opposed to that from the Lord).

By [interior enlightenment from man] one regards a matter on one side only, and having confirmed it sees it in . . . [only] a wintry light. For example, a judge who judges unjustly in view of gifts or gain, once he has confirmed the judgment by law and reason sees in it nothing but justice. Some judges see the injustice; but not wanting to see it, they keep it out of sight and blind themselves and so do not see. The same is true of a judge who renders judgments out of friendship, or to gain favor, or on account of relationship.<sup>106</sup>

Nothing surprising here: the bad judge is partial, vain, intentionally unjust, and dishonest—even with himself. Fortunately the following passage from *Charity* describes the good judge:

If [Judges] look to the Lord and shun evils as sins, and render just judgments, they become charities in form; because they do goods of use, both to the community and individuals in the community, and so to the

<sup>106</sup> DP ¶ 168.

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neighbor. And these they do continually, when they judge and when they are not judging; because they think justly, speak also justly, and do justly. For justice is of their affection; and in the spiritual sense it is the neighbor. Such a judge determines all cases from what is just, and at the same time from equity; for they cannot be separated. And then he judges according to the law, for all law has both of these for its end; and so when a cunning man strives to pervert the sense of the law he ends the suit. In judging, to regard friendship, or a gift, or relationship, or authority, or other consideration than that everyone who lives according to the laws shall be protected, he holds to be a sin; and he holds it to be so even if he judges justly, and justice is not in the first place, but in the second. All the

judgments of a just judge are of charity, even when he inflicts fine or penalty upon the criminally wicked; for thus he emends them and guards against their doing evil to the innocent, who are the neighbor. He is indeed as a father, who if he loves his children castigates them when they do evil.<sup>107</sup>

*True Christian Religion*, in discussing loving the neighbor indirectly, explains that a “judge who punishes an evil-doer in accordance with law and justice, loves his neighbor; for so he makes him better, and consults the welfare of the citizens that he may not do them harm.”<sup>108</sup> Although neither of these passages specifically states it, it must be understood that these judges can do their jobs, like the people making the laws, with enlightenment or without it.

True enlightenment from the Word would inform the judge’s judgment of justice. Internal enlightenment, the light of heaven, would allow the judge to see how to apply spiritual laws to the case. Exterior enlightenment, based on insights provided by the Word, would enable the judge to see the issue from both sides. This spiritual process fully explains what most judicial systems have always aimed for: the application of the law, rather than of bias. And yet, since he is in spiritual freedom, each case presents the judge with the opportunity to act charitably, with enlightenment, or selfishly partial.

<sup>107</sup> EMANUEL SWEDENBORG, CHARITY ¶ 163 (John Whitehead trans., Swedenborg Foundation 1914) (1766) (Posthumous).

<sup>108</sup> TCR ¶ 407

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Strikingly, the judge is an institutional manifestation of something that happens within each person every moment. Just as every individual chooses between following the law or not, so the judge chooses whether or not to decide cases justly. If he pursues justice, then his decision will stand for truth manifesting good.

## **III. CONCLUSION AND ISSUES FOR FURTHER STUDY**

### **1. Summary**

To summarize, God created three realms of substance: the spiritual, the moral, and the civil. Each realm has its own law. The spiritual laws take two forms: 1) roughly analogous to descriptive laws, the highest laws are called laws of Divine order. These laws silently govern every single thing, and proceed directly from God (especially his Divine Truth and Divine Good). 2) Situated closer to human consciousness than the laws of Divine order, the Divine laws can be prescriptive. These laws (for example the Decalogue and the One Great Commandment) were spoken by God, and are given to society as a roadmap to a heavenly society—as well as a heavenly afterlife!

Descending to the civil level, these laws are made by humans. The Writings call several of the Divine laws (particularly the fourth through seventh commandments, but also the eight, ninth, and tenth ones) civil laws, and the sanction to be expected from not having these as civil laws is the disintegration of society (implying that the decision is completely up to society).

When individuals live according to the civil law for religious reasons, those laws serve to conjoin them to God, and their life becomes a constant state of worship.

Interestingly, this closely parallels what the Writings say about the moral law. If there is a moral law—something that could be codified—it is the golden rule. But this is actually

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a spiritual law, and it appears that it only becomes moral when a person uses his or her rationality to apply that law to civil affairs. In general, the moral project is obeying the civil law in conjunction with—or for the sake of—the Divine law. Thus moral affairs are governed by the rational law. Morality is closely associated with charity, which is applying judgment to achieve justice—a rational operation.

Morality and charity both imply that a person look toward the Lord for direction and instruction, and the Writings closely describe one form of this called enlightenment. Reading the Word and looking toward the Lord can enable a person to see the truth in any situation and make a decision that represents considered judgment of the merits on all sides of the issue. Not only is this the heart of the rationality that directs morality and charity, but it is an especially important skill for institutional judges, as well as members of society entrusted with writing laws.

## **2. Issues for Further Study**

While this paper has taken some substantial first steps toward describing a New Church philosophy of law, there are many related topics that the Writings address. I will briefly address a few of these areas for further study here.

### ***a. The Limits of the Civil Law***

One of the most important roles of judges—as currently conceived—is “to say what the law is” (thus, not what it should be).<sup>109</sup> The judge plays a limited role, applying the law that a legislator must first create. Legislators should strive for enlightenment and draft laws with charity in mind. The lawmaker should also be aware of the *boundaries* of the civil law. Swedenborg’s writings do not directly address this subject, but they do mention several related elements.

<sup>109</sup> *Marbury v. Madison*, 1 Cranch (5 U.S.) 137, 177 (1803).

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#### ***i. Levels of culpability.***

The Writings discuss a system of degrees of culpability (“graveness”) that could serve as an example for grading in the criminal law. The passage that introduces the degrees explains:

There are four degrees of adultery, which affect accordingly subsequent attributions of it, convictions, and, after death, imputations. These degrees are [different from the] kinds [of adultery], but they enter into the several kinds and create distinctions in them between greater and lesser levels of evil or good, determining in the present instance whether adultery of any one kind is by reason of circumstances and contingent factors to be regarded as more mild or more grave. . . . *That circumstances and contingent factors vary every case is something people know.*<sup>110</sup>

If the passage stopped here, it seems to allow a lot of room for gradations. But it continues:

However, events are still regarded in one way by a person on the basis of his rational sight, in another way by a judge on the basis of the law, and in another way by the Lord on the basis of the state of the person’s mind. Therefore we distinguish between attributions, convictions, and, after death, imputations. For attributions are determined by a person in accordance with his rational sight; convictions by a judge in accordance

with the law; and imputations by the Lord in accordance with the person's state of mind.

These three judgments are very different in nature, as can be seen without need for explanation. For a person may, from a rational evaluation in accordance with the circumstances and contingent factors, exonerate one whom a judge while sitting in judgment cannot on the basis of the law exonerate; and a judge, too, may exonerate one who after death is condemned. The reason for the latter is that a judge determines his verdict in accordance with a person's deeds, whereas everyone is judged after death in accordance with the intentions of his will and consequent intellect, and in accordance with the persuasions of his intellect and consequent will. Neither of these does a judge see. Yet each judgment is nevertheless just, the one looking to the good of civil society, the other to the good of heavenly society.<sup>111</sup>

<sup>110</sup> CL ¶ 485.

<sup>111</sup> *Id.*

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Thus the law should recognize the impact of “circumstances and contingent factors” on the culpability of the actor, provided that it limit its consideration to factors made manifest externally—in act (and in this way the law is less considerate than the rational individual). The principle here is perhaps more communitarian than modern law has been, explicitly focusing on the impact that the person's behavior has on society. This passage also demonstrates appreciation for the different capabilities of the rational individual, the institutional judge, and the Lord. Each has its own end, each is able to execute a slightly different justice.

#### *ii. Act and intent.*

As the above passage from *Conjugal Love* indicated, the Writings acknowledge the difference between act and intention. Two passages from *Divine Providence* address this directly. This first one clearly explains a model of laws regarding religion:

In countries in which justice and judgment are guarded, one is indeed compelled not to speak or act against religion, but still no one can be compelled to think and will in its favor. For everyone has freedom to think and to will along with and in favor of hell, or along with and in favor of heaven.<sup>112</sup>

The second passage identifies the limit of the state's application of the civil law in the reformation of the individual:

No one is reformed by threats or penalties, as these coerce. . . . The external cannot compel the internal, but the internal can compel the external. . . . The internal can be compelled, however, by what is external not to speak improperly against the laws of a kingdom, the morals of life or the sanctities of the church. The internal can be compelled to this by threats and penalties and is compelled and should be. But this is not the specifically human internal, but one which the human being shares with beasts; they can also be compelled. . . . Here the human internal which cannot be coerced is meant.<sup>113</sup>

<sup>112</sup> DP ¶ 129:2.

113 DP ¶ 136:1,2.

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A study of the limit of the civil law would be very useful in the technical process of drafting laws that follow Divine order.

iii. *Morality versus Civil Law.*

This paper has inadequately explored the connection between morality and civil law. A full exposition of their relationship would be extremely useful.

**b. The Problem of Bad Civil Laws**

The problem of bad civil laws (is it possible for a civil law to be “bad”; what to do if one is, etc.) is one of the most challenging of the remaining issues. Dan Goodenough has briefly addressed this subject, and argues that “[t]he Writings do not sanction a ‘right’ of rebellion against civil authority.”<sup>114</sup> This is not the end of the story, because “[a] few passages do . . . imply that withdrawal of obedience from an unjust ruler may in some cases be justified.”<sup>115</sup> For example, the passages that describe “royalty” suggest that when a ruler forgets that his position comes from his stewardship of the law—and not from his person—then he has “relinquished his royal authority[.]”<sup>116</sup> Thus, Rev.

Goodenough interprets these passages to “imply that rebellion against the person of the ruler may in some cases be justified if the ruler has himself receded from royalty.”<sup>117</sup>

This argument is reassuring and addresses the subject well. However it does not address the more difficult question: what shall the society do when its ruler, in the correct form of the law, pursues disorderly—or even evil—ends? Answering this question requires a close inquiry into the doctrines of charity and Divine providence and is much too large for this paper.

<sup>114</sup> Rev. Daniel Goodenough, Jr., *The Life of Justice*, 88 New Church Life 370, 375 (August 1968), (this is the second part of the article; the first part appeared at 88 New Church Life 334-352 (July 1968)).

<sup>115</sup> *Id.*

<sup>116</sup> AC ¶ 5323:2.

<sup>117</sup> Goodenough, *supra* note 114, at 376.

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**c. Justice**<sup>118</sup>

The idea of justice in the Writings is complicated by an under-studied translation problem. In Swedenborg’s Neo-Latin, one word, *justitia*, can be translated as both “justice” and “righteousness.” Some New Church translators maintain that “justice” should always be used, while others assert that there is a subtle difference between “justice” and “righteousness,” determined by context, that must be preserved. There is currently no consensus, and no one has formally studied the issue.

The Writings are also less than consistent in the definition of *justitia*. Most passages explain that the word connotes good and pairs it with “judgment” which connotes truth.<sup>119</sup> However, other passages indicate that *justitia* is both good and truth.<sup>120</sup> Still other passages equate *justitia* with law (especially civil law).<sup>121</sup> *Justitia* is also sometimes identified with the Lord or Divine order.<sup>122</sup> Throughout these passages it is difficult to distinguish between definition and signification or correspondence. Possibly more helpful are the passages that illustrate the function of *justitia*.<sup>123</sup>

<sup>118</sup> See also note 44, *supra*, and accompanying text.

<sup>119</sup> See e.g. AC ¶ 9263 (“‘righteousness’ belongs to good”); EMANUEL SWEDENBORG, HEAVEN AND HELL ¶¶ 217, 481 (Doris H. Harley trans., Swedenborg Society 1958) (1758) (civil good is justice); AE ¶ 946:3

(‘Justice’ refers to Divine good); AE ¶ 644:15 (“justice in the Word is said of the good of love”); AE ¶ 405:20 (“justice . . . is said of good, and judgment of truth”); AE ¶ 972 (“just, when predicated of the Lord, [denotes] Divine good”); AE ¶ 1193 (“justice is spiritual, moral, and civil good”). The exception is AE ¶ 1112 (“civil justice is nothing else than civil truth”) where justice is coupled with equity.

<sup>120</sup> See e.g. AR ¶ 812 (justice signifies “both [‘faithful’ and ‘true’], good as well as truth, and Divine Good and Divine Truth where” it is predicated of the Lord); AE ¶ 794 (“justice [pertains to] civil good and truth”).

<sup>121</sup> See e.g. AC ¶ 10,803 (“the law embodies what is right and just and that all righteousness or justice which is truly such is Divine. “); see also HH ¶ 322.

<sup>122</sup> See e.g. TCR ¶ 95 (“righteousness is Divine order itself”); AR ¶ 86 (the Lord is justice); EMANUEL SWEDENBORG, WHITE HORSE ¶ 1 (Willmott trans., Swedenborg Society 1955) (1758) (“And justice is merit which belongs to the Lord alone”).

<sup>123</sup> NJHD ¶ 134 (“conscience of justice is acting according to civil and moral laws out of external affection”); CL ¶ 164 (“Justice has to do with moral wisdom”); AR ¶ 306 (“the work of [justice] is peace, and the labor of justice is quietness, and security forever” quoting Isaiah 32:17); TCR ¶ 50 (“What happens is that love with all its particulars flows into wisdom and there lives like a king in his realm or a master in his house, leaving all the administration of justice to its judgment. Since righteousness is an attribute of love and judgment an attribute of wisdom, love leaves all control to its wisdom.”).

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Impressively, however, the confusion surrounding the concept does not lessen its obvious importance and beauty. Future study in this area would be very rewarding.

### **3. Conclusion**

What is the origin of law? According to the Writings there is one answer that is really two answers: First, all law originates with the Lord. Individuals in societies on earth have the ability to approach the Lord and receive instruction in civil affairs, and thus draft human-made laws that are consistent with the Lord’s laws. Second, however, because we are in freedom, individuals in society also have the power to draft laws that are not in line with the higher law from the Lord. In terms of a particular society this is law, and in all but the most extraordinary circumstances it would seem that even this law could serve as the foundation of the moral and spiritual levels of life.

What is the function or purpose of the law? At its most external law preserves society. More internally it provides the ground for a moral life—a life according to the civil law for religious reasons. This life leads to heaven. Thus, even unintentionally, the civil law can function to bring individuals to heaven.

Where does the authority of the law come from? The civil law with the most authority is law that is consistent with the spiritual laws made by God. But any civil law, made by society’s legislators and interpreted by the rational—and hopefully enlightened—judgment of its judiciary, should be given authority (or rather, its authority should be protected by society’s endorsed law makers). Without this authority, society would fall apart. Society is important because it provides the arena in which individuals can love the neighbor.

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What is law’s place among society’s institutions (like religion, politics, economics, and in some systems, morality)? According to the Writings, the civil law should be used to defend religion. This is important considering the fact that religion plays such an important role in refining the civil law! This paper did not attempt to directly address politics, but the Writings appear to say that the political structure of a society is less important than the fact that the political body genuinely seek to create and



defend the common good (starting with the Divine, then the civil, and finally the moral levels of life). The economy is part of the common good, and it appears that the civil law's relationship to the economy is essentially the same as its relationship to politics (but this is a rich topic that deserves its own full treatment). Morality and the civil law have a very interesting relationship in the Writings. They are decidedly separate, but the civil law serves the moral law as a foundation. The moral law depends on the civil law for existence, but it also depends on the spiritual law. From this perspective one of the reasons the civil law exists is to support the moral law and the spiritual law—a radical view for today's postmodern philosophy.

Has this paper succeeded in presenting a New Church philosophy of law? The reader should be the judge. The answer lies in the usefulness of the product. Hopefully the ideas here will stimulate a dialog encouraging us to continually strive to fulfill the Lord's law on all the levels of life within ourselves and within our society as a whole.

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#### **A NOTE ON CITATIONS**

Because of the number of notes, and the length (and occasional complexity) of some titles, the full titles of Swedenborg's works may not appear in the notes in the text. Instead, the full title is listed here, noting the brief notation used to identify it in the notes in the text. All of the following works are by Emanuel Swedenborg.

ARCANA COELESTIA (John Elliott trans., Swedenborg Society 1983-1999) (1749-1756). Identified in the notes as **AC**.

APOCALYPSE EXPLAINED (Isaiah Tansley trans., Swedenborg Society 1952) (1757) (Posthumous). Identified in the notes as **AE**.

APOCALYPSE REVEALED (Frank F. Coulson trans., Swedenborg Society 1970) (1766). Identified in the text as **AR**.

CHARITY (Frank Coulson trans., Swedenborg Society 1947) (1768) (Posthumous). Identified in the notes as **CHARITY**.

CONJUGIAL LOVE (Bruce Rogers trans., General Church of the New Jerusalem 1995) (1768). Identified in the notes as **CL**.

DIVINE LOVE AND WISDOM (N. Bruce Rogers trans., General Church of the New Jerusalem 1995) (1763). Identified in the notes as **DLW**.

DIVINE PROVIDENCE (William F. Wunsch trans., Swedenborg Foundation 1996) (1764). Identified in the notes as **DP**.

DIVINE WISDOM (E.C. Mongredien trans., Swedenborg Society 1942) (Posthumous) (1762). Identified in the notes as **D. WIS**.

*Doctrine of Life, in THE FOUR DOCTRINES* (William C. Dick trans., Swedenborg Society 1954) (1763). Identified in the notes as **LIFE**.

*Doctrine of the Sacred Scripture, in THE FOUR DOCTRINES* (William C. Dick trans., Swedenborg Society 1954) (1763). Identified in the notes as **SS**.

HEAVEN AND HELL (George Dole trans., Swedenborg Foundation 1979) (1758). Identified in the notes as **HH**.

THE INTERACTION BETWEEN THE SOUL AND BODY (John Whitehead trans., Swedenborg Foundation 1996) (1769). Identified in the notes as **ISB**.

LAST JUDGMENT (John Chadwick trans., Swedenborg Society 1992) (1758). Identified in the notes as **LJ**.

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THE NEW JERUSALEM AND ITS HEAVENLY DOCTRINE (John Chadwick trans., Swedenborg Society 1990) (1758). Identified in the notes as **NJHD**.

SPIRITUAL EXPERIENCES (1747-1765) (Posthumous). Identified in the notes as **SE**. This work has been published at different times and had several translators:

¶¶ 1-936, Vol. I (J. Durban Odhner trans., General Church of the New Jerusalem 1998);

¶¶ 937-3427, Vol. II (J. Durban Odhner trans., General Church of the New Jerusalem 1999);

¶¶ 3241-4544, Vol. III (George Bush and John Smithson trans., James Speirs 1883);

¶¶ 4545-5659, Vol. IV (George Bush and James F. Buss trans., James Speirs 1889);

¶¶ 5660-6110, Vol. V (James F. Buss trans., James Speirs 1902).

TRUE CHRISTIAN RELIGION, (John Chadwick trans., Swedenborg Society 1988) (1771). Identified in the notes as **TCR**.