

A Critique of a Critique of Theonomy: An Analysis of Matthew Winzer's Misrepresentations of Theonomy and the Confession of Faith¹

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In 2009 the journal, *The Confessional Presbyterian*, published a lengthy article entitled “The Westminster Assembly and the Judicial Law: A Chronological Compilation and Analysis.” Part one by Chris Coldwell is a chronologically ordered collection of source material from divines written or preached during the time the Confession of Faith was formulated. Part one is thorough and exceptionally useful for understanding what churchmen and scholars were thinking about the judicial law as it related to Christian states in the New Covenant era. Part two by Matthew Winzer² sets forth Winzer's analysis of the original source material and also serves as a springboard to critique the theonomy movement. In this brief study, we will examine sections of Winzer's article in order to note some of his misrepresentations of theonomy and his errors regarding the Confession and the judicial law. Before we do so, however, we need to note some things about theonomy and the theonomy movement in order to clarify matters and make our own position clear.

First, every Christian who believes in God's moral law, who is not dispensational and who rejects human autonomy in ethics (i.e. the idea that man simply makes up his own rules or laws defining what is right or wrong), is essentially a theonomist. The word “theonomy”³ comes from the Greek words *theos* (“God”) and *nomos* (“law”) and thus stands for the belief that God's moral law, which is based on God's nature and character, is absolute, eternal, universal, and binding on all men, nations and cultures. A consistent and biblical theonomist would argue that *every moral law in both the Old and New Testament* should be applied personally and socially to mankind.⁴

¹ James R. Willson was correct when he said, “Those who are advancing require gentleness. Those who are departing from the truth merit even severity” (*A Historical Sketch of Opinions on the Atonement* [Philadelphia: Edward Earle, 1817], vii).

² Winzer is pastor of Grace Presbyterian Church (Australian Free Church), Rockhampton, Queensland, Australia. If the Australian Free Church is associated with the Free Church of Scotland, then we have an understanding as to why he has an anti-theonomic understanding of the Confession. The Free Church regards theonomy as a heresy or dangerous error not because of the movement's false views of worship, or its tendency to ignore the first table of the law, but because they teach that modern civil magistrates should follow the Old Testament moral case laws within the judicial code and the penalties.

³ Greg Bahnsen notes that the term “theonomy” “has been utilized by serious Reformed scholars (William Geesink, Herman Bavinck, Cornelius Van Til), popularizers (R. C. Sproul), and heretical writers alike (e.g., Carl Barth, Paul Tillich)” (Greg L. Bahnsen, *No Other Standard: Theonomy and Its Critics* [Tyler, TX: Institute for Christian Economics, 1991], 19).

⁴ There are two kinds of moral law that continue into the New Covenant era. There are moral laws that are based on God's nature and character. These laws can never be abrogated or altered for they reflect the justness or righteousness of God. There are moral-positive laws that are simply based on God's command but have not been abrogated or altered by New Testament revelation. These are laws regulating certain forms of incest, the *time* of the Sabbath and certain forms of worship. This aspect of law explains why what Adam's and Noah's children did to

Second, the core teaching of the modern theonomy movement on the law (we will not defend all the side issues) is basic and easy to defend. All the Old Testament laws that are moral in content, that were given as a standard of personal or social ethics, are binding on all men (both Jews and Gentiles) for all time (both the Old and New Covenant administrations). Therefore, not only the Ten Commandments are obligatory but also the moral case laws⁵ that are extensions, explanations and applications of the commandments (e.g., homosexuality, incest, bestiality, fornication, fraud, burglary, assault, attempted murder, manslaughter, etc.). In addition, the civil penalties attached to the moral case laws *are declared by God Himself to be just and superior* to the best laws of the heathen nations and thus are not mere suggestions but are required as well.⁶ The first defining feature of theonomy was essentially universally held by the Puritans and early Presbyterians. The second major feature on the penalties was held by many early Presbyterians but not all. Another important and good feature of modern theonomy is the recognition that natural law (i.e. the work of the law in the heart of man; Rom. 2:15) is not a dependable or reliable source of a comprehensive social ethic *because of the fall*, man's total depravity and spiritual inability. There is nothing wrong with natural law, for it is the same as the moral law revealed in special revelation. The problem is man's sin and spiritual blindness that deliberately suppresses the truth in unrighteousness. For this reason, biblical theonomists emphasize the need for *revealed* law as a guide for personal holiness and social morality.

The central core of theonomy is the teaching that Jehovah's inspired, infallible, authoritative, enscripturated law-word is the only reliable, perspicuous and proper standard for evaluating human behavior, including the behavior, judgments and legislation of civil governmental officials. The central issue regarding the debate over the heart of theonomy is twofold. (1) Is the Bible to be the sole standard by which to judge the laws, statutes and judgments of a civil magistrate or does God give civil magistrates a certain amount of autonomy

propagate the race was lawful, yet became unlawful under the Mosaic administration and remains unlawful today. Incest between brothers and sisters is a matter of positive law that is of abiding validity. The vast majority of laws that continue into the New Covenant era are moral because they are based on God's nature and character. The Puritans would call these moral-natural laws.

⁵ There are many moral laws in the Torah outside of the Decalogue. Some are straightforward standing laws that can only be applied in one way. For example, laws regarding murder, bestiality, homosexuality, kidnapping and so on. Other laws are given as case laws so they can be applied to many different yet similar situations. As R.C. Sproul notes, "Casuistic law is what we call case law. The Word of God is designed to give us guidance for how to glorify God in our behavior. God's law is a light for our path. But if God set forth specific laws to apply to every conceivable human exigency, the Bible would be larger than a multivolume encyclopedia. Therefore God gives us case law: 'If your ox tramples your neighbor's roses, then the penalty is...' The law could go on to say, 'But if your ox tramples your neighbor's daffodils, then the penalty is...' And what if a mule is involved, not an ox? The point is that a few concrete examples from real-life situations are set forth, and judges who hear specific cases of negligence or damage can use them as guidelines by which to apply principles of justice." *Truths We Confess: A Laymen's Guide to the Westminster Confession of Faith* (Philipsburg, NJ: P & R, 2007), 2:255. Modern theonomists often use the expression "moral case laws" loosely to refer to every moral law outside of the Ten Commandments.

⁶ The Second Reformation Presbyterians taught the *penalties* attached to moral laws that are either *natural* (i.e. based on God's character and thus unchangeable), or *positive* yet moral and non-abrogated by further revelation (e.g., as noted, certain laws relating to incest, the Sabbath, worship, etc.; keep in mind a positive law is moral only because God commands it), *are still binding*. However, they regarded the *method* of execution as positive and not required (i.e. stoning was particular not general or universal).

that allows them to *ignore* or *deviate* from the teachings of Scripture? Theonomists would argue that everything must be based on God's word either by express commandment, logical deduction or necessary consequence. Most others want some form of human autonomy. This autonomy is masked by speaking of following "natural law" or "general" underlying principles of the law or the "spirit" of the law. (Remember that "natural law" is identical to the moral laws of "special revelation." Therefore, "natural law" is usually used as a smokescreen to jettison *revealed* law.) This view denies perspicuity and wants vague or ambiguous principles into which man can pour his own meaning. Biblical law is specific and the specific laws must be applied to the same and even *similar* circumstances in modern society (e.g., the law regarding a fence on one's roof would apply today to balconies; Deut. 22:8). (2) Are the penalties attached to moral laws just, as God has explicitly declared (Deut. 4:8), or are they positivistic? In other words, are civil magistrates tied by the authority of God's word to the inspired, God-given penalties or do they have the authority to make up their own penalties that are *different* from or *contradict* the word of God? (We are fully aware that God has given the victims of some crimes a certain amount of flexibility regarding the penalties or restitution. We are not discussing *revealed* flexibility but *autonomous* flexibility.)

The fact that *some* theologians and prominent churchmen during the 1640s differed on the penalties raises other questions which *must be answered exegetically and logically*. Determining doctrinal controversies is not a matter of counting the heads of Puritans and Presbyterians of the Second Reformation. (e.g., "I have 16 on my side and you have 12"). People who follow this kind of procedure are unwittingly acting like medieval Roman Catholic scholars who ignored Scripture and quoted from the church fathers to prove their position. If a theologian says that civil magistrates can put a thief to death when God says he must make appropriate restitution, he needs to demonstrate his position from Scripture (which, by the way, is impossible). If God says that men who commit bestiality and homosexual acts must be put to death and a churchman argues for a fine or a hard beating instead, he must explain why *with exegetical arguments from Scripture*. Moreover, if God demands the death penalty for certain heinous crimes and does not allow for a lesser penalty and refers to His own penalty as just (remember the word "just" means that the penalty is right, righteous, equitable, fair or proper in God's sight), how can a man-made penalty that is radically different from and much less severe than God's righteous penalty also be just? Such common assertions are arbitrary and are explicitly contradictory.

It is on these kind of questions that theonomist writers have made sound biblical and logical arguments and thus have helped modern, pluralistic, implicitly relativistic (on civil laws) Presbyterians move back toward a biblical, logical position. In addition, most of the arguments that this author has seen against the core of theonomy arises from two unbiblical ways of thinking. (1) There are those who simply think that God's law is too harsh. It cannot be too harsh, however, because Jehovah repeatedly says that it is just, good and spiritual (Rom. 7:12). (2) There are many who (whether they acknowledge this or not) do not want the magistrate restricted by God's law. Given man's inherent depravity and horrific history, this view is

unbiblical, naïve, implicitly statist and ultimately dangerous. If we think that there is something wrong with God's Old Testament moral laws and the accompanying *just penalties*, then we need to examine our own hearts, for there is something radically wrong with our thinking. We need to pray for God to bend our hard and stubborn hearts to appreciate the great gift and infinite wisdom of God's moral law and His revealed justice in the penalties until we praise Jehovah singing, "Oh, how I love Your law! It is my meditation all the day" (Ps. 119:97).

Third, while we praise God for the insights and many excellent things written by theonomist writers such as Rousas John Rushdoony, Greg Bahnsen and Gary North, this does not mean that we endorse the Christian Reconstruction movement as a whole or accept everything such men teach. One can appreciate the genius of Rushdoony or the theological rigor and debating skills of Bahnsen without accepting or endorsing everything they write or say. Calvin probably quoted from Augustine and Thomas Aquinas more than any other theologians, yet he emphatically rejected their ecclesiology and teachings on worship and the sacraments.

The Christian Reconstruction movement is broadly ecumenical and contains quite a bit of diversity within its ranks. It even suffered a major split in the early 1980s when Rushdoony had had enough of James Jordan's bizarre and highly creative interpretations of various Scripture passages. One group of Christian Reconstruction writers were centered in Tyler, Texas (Gary North, James Jordan, Ray Sutton, David Chilton) and others followed R. J. Rushdoony who settled his headquarters in Vallecito, California (the foothills of the Sierra Nevada Mountains). Greg Bahnsen, Gary DeMar and Kenneth L. Gentry Jr. all had their own separate ministries. Those in Tyler, Texas were influenced by James Jordan who holds to interpretive maximalism (LSD hermeneutics) which goes far beyond traditional Reformed exegesis (the historical-grammatical-theological method) and looks for symbolism and hidden meanings in the passage. (This method of interpretation is akin to the spiritualizing of passages by the church fathers. It is highly speculative and dangerous in that it makes it very easy and almost inevitable for the subjective opinions of the interpreter to find their way into the interpretation.) Jordan and his most productive disciples (David Chilton, Ray Sutton, Peter Liethart, Rick Horne, Jeffrey Myers, etc.) have rejected the regulative principle of worship and have worked to subvert the great attainments in worship of the Second Reformation period. They want Reformed churches to move toward a Roman Catholic or Eastern Orthodox paradigm on public worship.

The diversity and fragmentation of the Christian Reconstruction movement is due to a number of factors that are worth considering. (1) The movement arose within non-confessional American Presbyterian ranks where doctrinal diversity is accepted as the norm. The founder of the modern theonomy movement, Rousas John Rushdoony, was in the Orthodox Presbyterian Church (he later left the O.P.C., became independent and then was connected to an Episcopalian group). James Jordan, Ray Sutton, Kenneth L. Gentry Jr. and Gary DeMar were all in the Presbyterian Church in America. Sutton joined the Reformed Episcopal Church during the 1980s and regards himself as an Anglo-Catholic or high church Anglican. Jordan and DeMar are both still in the P.C.A., although Jordan doctrinally belongs with Sutton. Gentry is now a member of the R.P.C.G.A., which is better than the P.C.A.. Both the O.P.C. and P.C.A. allow for all sorts of

radical deviations from the Westminster Standards and allow for completely different views on creation, the Christian Sabbath, the nature of the covenants, public worship, eschatology, the civil magistrate, theonomy, God's law, biblical theology, union with Christ and, since 2002, *justification by faith*. Both denominations have continued the philosophy of the communions they left (P.C.U.S.A. and P.C.U.S.) which is: too much dogmatism and strictness in doctrine will hurt evangelism, church growth and unity. They have sacrificed doctrinal integrity for a kind of American pragmatism.

The non-dogmatic, doctrinally diverse soil out of which the theonomist intellectuals arose explains to a large degree their unbiblical, pragmatic understanding of reformation. If one studies the reformations in Judah and in the Second Reformation period of Scotland, one will note that repentance was sought and required on a broad scale, doctrinally and practically. The first table of the law and worship issues were dealt with, just as much as second table corruptions. The approach to covenant renewal was reformation on a broad scale. One could compare their policy with Dwight D. Eisenhower's approach to defeating the Germans in France. The Allies advanced on a broad front and did not leave any pockets of resistance behind. The theonomist movement took a radically different approach. They essentially decided to ignore the first table of the law and issues that divided Christians in order to get everyone on board and have as broad a movement as possible. To do this, Andrew Sandlin (at the time the editor of the *Chalcedon Report*) even advocated cooperation based on the first seven ecumenical councils, thus essentially ignoring the First and Second Reformations altogether. Thus, the theonomy movement had and continues to have charismatics, high church Episcopalians, Arminian Baptists and many working to Romanize worship and the doctrine of salvation. Many within the movement today have either adopted the Federal Vision heresy or do not have any problem with it (e.g., Gary North and Gary DeMar. DeMar and American Vision, his "theonomic" para-church organization, have promoted Doug Wilson and James Jordan, who are both strong apologists for the Federal Vision heresy). At the present time (2013) not one *prominent* Christian Reconstructionist writer has come out *publicly* or in print against the Federal Vision heresy. (The pro-theonomist denomination, the Reformed Presbyterian Church in the United States, has publicly, officially and in print thoroughly condemned and refuted the Federal Vision's main doctrines.⁷) A movement that has prominent leaders advocating Romanizing and heretical views of justification and worship and others who are unwilling to publicly defend the doctrines of justification by faith *alone* and the regulative principle of worship (*sola Scriptura*) will not be used by God as the spearhead of reformation or revival in America.

The problem with the Christian Reconstruction movement is essentially twofold.

(1) In some areas it is antinomian and thus it is schizophrenic and contains the seeds of its own failure. It needs a good dose of the teaching of the early Presbyterians and Puritans to remedy the situation. The Puritans recognized that the second table of the law rests upon the first; that enforcement of first table offenses is necessary for adherence to second table case laws.

⁷ This denomination includes a number of champions of the doctrine of justification by faith alone (*sola fide*) such as Joe Morecraft, John Otis, Chris Strevel, etc.

Consequently, there must be an emphasis on the whole law (including worship and the Sabbath day) for biblical theonomy to be implemented in any nation or society. Calvin understood this point when he wrote, “If it be inquired, then, by what things chiefly the Christian religion has a standing existence among us, and maintains its truth, it will be found that the following two not only occupy the principal place, but comprehend under them all the other parts, consequently the whole substance of Christianity, *viz*, a knowledge, *first*, of the mode in which God is duly worshiped; and, *secondly*, of the source from which salvation is to be obtained. When these are kept out of view, though we may glory in the name of Christian, our profession is empty and vain.”⁸ If there is to be a Christian reconstruction of the state there must first be a solid, full-orbed reformation in the church. The idea that the first table of the law can be largely ignored and that many crucial doctrines can be placed on the back burner, while we seek the Christian reconstruction of society through the second table, is arbitrary and humanistic. It completely ignores the biblical, historical examples of reconstruction that took place in Judah, found in the books of Kings and Chronicles.

(2) Christians, churches and covenanted Christian nations have a moral obligation to defend the whole counsel of God and all the doctrinal attainments (i.e. corporate sanctification) achieved in history. As time progressed and new heresies and doctrinal controversies have arisen, the church of Christ has greatly sharpened its knowledge of various doctrines and practices (e.g., the trinity, the hypostatic union of the two natures of Christ, the sovereignty of God in salvation, justification, biblical worship, Presbyterian church government, etc.). Rushdoony has greatly benefited the church in more modern concerns such as statism, education, law and penology. As we learn and benefit from such brilliant insights and applications of Scripture, we must hang on to all the doctrinal and practical attainments that have preceded them. If we do not, then we jeopardize our goals and will not achieve true reformation and Christian reconstruction. If laws are passed against homosexuality while rampant idolatry, Sabbath desecration and blasphemy are practiced, can anyone honestly claim that such a society has bowed before Jesus Christ and adopted a Christian law-order? If we pass laws that put in place biblical restitution for victims of crime but deny the doctrine of justification by faith alone, have we honored the Savior and His infallible word?

With all these observations in mind, we also need to note some of the teachings of Christian Reconstructionist writers that we regard as unscriptural and harmful: (1) the interpretive maximalism of James Jordan; (2) Rushdoony’s teaching that the food laws are still in force during the New Covenant era; (3) the advocacy of the use of a liturgical calendar and an Episcopal type of liturgy; (4) the defense by Greg Bahnsen, R. J. Rushdoony, Kenneth L. Gentry and James Jordan of celebrating the pagan-popish, non-authorized holy day called Christmas; (5) the use of pictures of Jesus Christ (the Son of God) for educational purposes, art or book covers (e.g., Gary DeMar’s *God and Government: A Biblical and Historical Study*, front cover, page 86, 90, 107, etc.); (6) the abuse of the five-fold covenant structure of Ray Sutton; (7) the use of

⁸ John Calvin, “The Necessity of Reforming the Church” in *Selected Works: Tracts and Letters*, Henry Bereridge, ed. (Grand Rapids: Baker, [1844] 1983), 1:126.

uninspired hymns in public worship (the word of God authorizes only divinely inspired songs for worship); (8) the teaching of Gary North and others that the fourth commandment has been abrogated and does not apply to the New Covenant era (see North's "The Economics of Sabbath Keeping" in R. J. Rushdoony's *Institutes of Biblical Law*, 824-836); (9) the use of musical instrumentation and incense in public worship (both are Levitical or ceremonial practices); (10) the attempts in recent years to merge the heathen philosophy of libertarianism with Christian teaching; (11) the rejection of Presbyterian church government for Episcopalianism or the idea that Presbyterianism is not the system explicitly advocated in Scripture; (12) the use of an ecumenicalism not rooted in a comprehensive body of truth (e.g., the Westminster Standards, the Three Forms of Unity, etc.) but on a few core principles of theonomy (One can have communicating relations with those who are Christians yet are in error for the purpose of seeking unity and reformation, but one should not have fraternal relations and deliberately set aside the truth for a mere pragmatic or outward unity.); (13) the advocacy or toleration of Shepherdism, the New Perspective on Paul or the Federal Vision heresy.⁹ It is for these kinds of reasons that we identify ourselves as Presbyterian theologians instead of theologians in general. While we have many differences with the theonomy movement, we think that much of Rushdoony's analysis of the law, worldviews, statism, education and other topics is biblical, brilliant and worthy of careful study.

Winzer's Misrepresentations and Errors in Analysis

Having separated ourselves from many of the common errors of the Christian Reconstruction *movement*, we turn attention to Winzer's attack on theonomy. In his article, he does not acknowledge that there is a diversity of interpretations and positions within the movement and thus makes over generalizations and mischaracterizations of theonomy as a whole. For example, in the first paragraph of his article he writes, "Do the Westminster Confession and Catechisms teach what has come to be called the theonomic thesis—the abiding validity of the law in exhaustive detail?"¹⁰ Of all the quotes from the writings of Christian Reconstructionists, this one by Greg Bahnsen is the favorite of critics of theonomy because in the face of it, given the teaching of the New Testament, it appears absurd. But we ask: what does Greg Bahnsen mean when he speaks of the abiding validity of the law in exhaustive detail? Does

⁹ It needs to be stated that almost all of the errors enumerated above are found in abundance in the O.P.C. and P.C.A.; and, if we were writing a critique of the teachings and practices of these denominations *the list would be far longer*. Theonomists have been staunch defenders of six-day creationism, while the O.P.C. and P.C.A. have not. Christian Reconstructionists have advocated a biblical attitude toward America's public or state school system, while in the main these denominations have not. Pastors and elders of theonomist leanings in these denominations have almost always been regarded as more conservative on most issues. The rise of the Federal Vision heresy, however, has decimated the ranks of those who followed Greg Bahnsen, Steve Wilkins, James Jordan and Peter Liethart. How men are saved is one of the twin pillars of Christendom and reformation. Without justification by faith alone, churchmen become popish tumors who devour the flesh of the visible church.

¹⁰ "The Westminster Assembly & the Judicial Law: Analysis" in Chris Coldwell, ed., *The Confessional Presbyterian*, 2009, 56. In the remainder of this paper, the letters *TCP* and the page number will appear at the end of quotes from Matthew Winzer.

he teach that Christians are bound by all the ceremonial laws or that every civil law in Israel applies to Christian nations today? No, he does not! Although one may disagree with Bahnsen's interpretation that *plerosai* means "to confirm" (i.e. make firmer, establish or strengthen), he qualifies his interpretation to such an extent that in the end his application is quite traditional. Note for example how the ceremonial laws are "confirmed" and yet also set out of gear in Bahnsen's explication of his interpretation:

Ton nomon comprises more than simply those aspects of the Mosaic legislation (i.e. "the Law") which have permanent moral application and sanction; the class of commandments traditionally termed "ceremonial" or "ritual" is also within the scope of the term. Nothing in the text supports a restriction of this term's referent to the moral law. Jesus is saying that He did not come to abrogate *any* part of the law. Christ stands in a positive relation to God's law, "not the smallest ceremonial or national ordinance being destroyed in its ultimate idea." Calvin points out that the meaning of the ceremonies is eternal, while their outward form and use are temporal; consequently Christ confirms even the ceremonial law. "That man does not break ceremonies, who omits what is shadowy, but retains their effect." The Levitical ordinances were patterned after a heavenly model (Heb. 8:4-5; 9:23) and thereby typologically foreshadowed the Messiah and His atoning work (Heb. 10:1). These ceremonial laws are organically connected with Christ and His work in salvation history. The truth depicted in these ritual commands is embodied in Christ and is valid yet today. Only the pre-incarnation *use* of these ceremonial procedures is removed for the Christian in the New Covenant—because they were observed once for all by and in the person and work of Christ. The principle involved in these particular ordinances is confirmed, not repealed, in Christ's coming. Hence *ton nomon* in Matthew 5:17 includes *all* of God's stipulations as revealed in "the Law" of the Older Testament.¹¹

In a more recent book Bahnsen writes,

God had revealed to the Jews the *way of salvation*, found in the foreshadows of the *ceremonial* law (sacrifice, temple, etc.). That law also contained outward signs of separation from the unbelieving world, such as the dietary separation of clean from unclean meats (Lev. 20:22-26). With the coming of Christ, these ceremonial means of redemption have been made inoperative (Heb. 8:13), and the symbols of separation have been laid aside (Acts 10:11-15). It was the self-sacrifice of Christ which removed these laws that placed a partition between Jews and Gentiles (Eph. 2:14-15), thus bringing both groups into one saved body on an equal footing.¹²

¹¹ Greg L. Bahnsen, *Theonomy in Christian Ethics* (Nutley, NJ: The Craig Press, 1977), 49.

¹² Greg L. Bahnsen, *No Other Standard: Theonomy and Its Critics* (Tyler, TX: Institute for Christian Economics, 1991), 103. In the publisher's preface, Gary North accurately presents Bahnsen's view: "What was Bahnsen's thesis? That the civil and moral laws of the Old Testament are still binding on society in the New Testament era, unless annulled or otherwise transformed by a New Testament teaching, either directly or by implication. In short, *there is judicial and moral continuity between the two testaments*" (Ibid, x). Bahnsen, in his chapter on the ceremonial law, writes, "The ceremonial law was nothing less than 'the gospel in figures.' With Christ's obedient life, sacrificial death, and the accomplishment of salvation under the New Covenant, the ceremonies have been finally observed for all God's people. *The meaning of the ceremonial laws received permanent felicity and*

Bahnsen also recognizes that *only the moral laws* contained in the judicial law remain binding in the New Covenant era:

The theonomic principle is objective and Biblical in character. Its policy for Old Testament interpretation and for application of the laws found there is that *the moral standards revealed by God* are all beneficial and continue to be binding unless further revelation teaches otherwise (Deut. 4:2; 10:13; Ps. 119:160; Matt. 5:19; 2 Tim. 3:16-17). As a result, the theonomist concludes that *most of the judicial laws of the Old Testament*, having not been modified or canceled by Scripture later, continue to be binding according to the principle which they teach or illustrate.¹³

Bahnsen clearly recognizes that certain administrative details (e.g., form of civil government, method of tax collection, borders, location of the capital) and statutes related to protecting family lines, tribal integrity and the messianic line (e.g., levirate marriage) are no longer necessary or

embodiment in Christ, His work, and His saving economy. The purpose of the ceremonies, then, was realized in the New Testament. Christ released us from the relative and professional bondage of which the Mosaic ritual was the instrument. The ceremonial observations were stop-gap and anticipatory; Christ and the New Covenant are the *fulfilled reality*. Therefore, all Christians have had the ceremonial laws observed for them finally and completely *in Christ*.... The Levitical priesthood, representing the Mosaic system of ceremonial redemption, could not bring perfection and so was *intended* to be superseded (Heb. 7:11f., 28).... The ceremonial observations no longer apply, but their meaning and intention have been eternally validated. The earlier sacrificial ritual was a foreshadow pointing to Christ (Heb. 10:1), and no repetition of a mere shadow can amount to the substantial reality” (*Theonomy in Christian Ethics*, 207-208, 209).

¹³ Ibid, 32, emphasis added. Note that Bahnsen repeatedly argues *only* for continuity of the moral standards: “[T]he theonomic principle is that we should presume continuity with *the Old Testament moral standards*, even for civil magistrates, unless God’s word itself authorizes a modification” (Ibid, 155, emphasis added). In Greg Bahnsen’s book, *By This Standard: The Authority of God’s Law Today* (Tyler, TX: Institute for Christian the Economics, 1985), 345-3 and 47, he provides a summary of theonomy in 10 theses. In these theses we see a clear distinction between moral and non-moral (i.e. positive, ceremonial or temporary) laws. Note the following relevant thesis: “4. We should presume that Old Testament standing laws continue to be morally binding in the New Testament, unless they are rescinded or modified by further revelation. [Bahnsen defines a standing law as a law given by God to a group or class of people to be obeyed over time as opposed to a particular law given to an individual or group that is positive or for a unique circumstance in redemptive history (e.g., the command to exterminate the Canaanites).] 5. In regard to the Old Testament law, the New Covenant surpasses the Old Covenant in glory, power, and finality (thus reinforcing former duties). The New Covenant also supersedes the Old Covenant shadows, thereby changing the application of sacrificial, purity, and ‘separation’ principles, redefining the people of God, and altering the significance of the Promised Land. 6. God’s revealed standing laws are a reflection of His immutable moral character and, as such, are absolute in the sense of being non-arbitrary, objective, universal, and established in advance of particular circumstances (thus applicable to general types of moral situations). 7. Christian involvement in politics calls for a recognition of God’s transcendent, absolute, revealed law as a standard by which to judge all social codes. 8. Civil magistrates in all ages and places are obligated to conduct their offices as ministers of God, avenging divine wrath against criminals and giving an account on the Final Day of their service before the King of kings, their Creator and Judge. 9. The general continuity which we presume with respect to the moral standards of the Old Testament applies just as legitimately to matters of socio-political ethics as it does to personal, family, or ecclesiastical ethics. 10. The civil precepts of the Old Testament (standing ‘judicial’ laws) are a model of perfect social justice for all cultures, even in the punishment of criminals.” Bahnsen has made it explicitly clear that that which continues is *moral* [e.g., “the moral standards of the Old Testament”] and *just* [e.g., “social justice”]. That Bahnsen regarded this summary as crucial for understanding his position is reflected in the fact that it is repeated in the second expanded edition of *Theonomy in Christian Ethics* (see xvi-xvii) and is repeated verbatim in his slightly expanded 12 theses in *No Other Standard* (see 11-13).

binding. The covenant nation as the visible expression of the church was judged in A.D. 70 and forever lost their special status.

Thus we see that Winzer's initial attempt to "poison the well" and prejudice readers against theonomy is *totally inaccurate* and *unfair*. Having read Bahnsen's many qualifications and statements of clarification, there is no excuse whatsoever for Winzer's blatantly false characterizations of theonomy in the following quotes:

The theonomic failure to distinguish between moral and positive law places its ethical structure at variance with the Westminster formulary (*TCP*, 65). ... The Larger Catechism demonstrates the reason for affixing the adjective *moral* before *law* is to clarify exactly what kind of law is considered to be universal and perpetual. The *moral law*, then, by definition, is universal and perpetual, and if it is not classed as moral it is because it is not universal and perpetual. Now this presents a contrasting position to that which is advocated by theonomists. According to Bahnsen, "Every word which proceeds from God's mouth, whether in the Gospels of the New Testament or in the case law of the Older Testament, binds the behavior of God's people" (*TICE*, 261). Again, "the law must be kept and endorsed just as God imposes it, and thus it must be followed *in full*. Entering to select some commandments as binding on the believer and some as not is to come into judgment upon God's holy law; *every* bit of it is authoritative and continues to bind God's people" (262). It is evident from these declarations that the theonomists does not identify a specific *kind* of law as *moral*, and is highly critical of any attempt to categorize one class of commandment as moral and perpetual in distinction from other commandments which are temporary. This is the first step of Theonomy's deviation from the Westminster formulary (*TCP*, 59).

If Winzer had read the preceding few pages of *Theonomy in Christian Ethics*, he would know that Bahnsen was speaking of the law as "summarized in the demand of love (Rom. 13:8-10; Gal. 5:14)" (*TICE*, 258); "an ethical life in accord with the law" (*Ibid*); that "circumcision is nothing"... "the believer is not under the Mosaic ceremonial economy and its ordinances" (*Ibid*); "Christians must purify themselves.... This purification implies conformity to the righteous standard of the law" (*Ibid*, 259); "the New Testament exhorts believers to godly and righteous living; the Christian is not to let sin reign in him but to be an instrument of righteousness (Rom. 6:12f)" (*Ibid*); "The law is still needed by the Christian as the pattern of holiness by which he shall conduct himself in the power of the Holy Spirit" (*Ibid*, 259-260); "The law was laid down for...guidance in the path of righteousness (subsequent to regeneration and conversion)" (*TICE*, 260); "We have seen previously that it is the law of God which shows us righteousness and godliness" (*Ibid*). Obviously, (given the context) when Bahnsen speaks about obeying "every word which proceeds from God's mouth" or the need to endorse and obey "the law...in full," he is speaking about the moral law of God and *only the moral law*. To argue otherwise is simply dishonest.¹⁴

¹⁴ Theonomists, like most modern conservative Presbyterians in general, have not made a clear demarcation between moral laws that are based on God's nature and character and moral-positive laws that have not been abrogated in the New Covenant era. Yet, this general failure does not mean that they are guilty of advocating moral-positive laws

Although we may disagree with aspects or specific statements of Bahnsen's interpretation of Matthew 5:17, his qualifications and conclusions are orthodox and irrefutable. Taking statements out of context to give them a meaning *contrary* to the intended meaning of the author is unhelpful and deceptive. It is a classic case of setting up a straw man which is easy to knock down. Winzer does not refute theonomy, he refutes a figment of his own imagination.

Sanctification by the Standard of God's Law

Winzer also misrepresents the theonomist understanding of sanctification with the same procedure of using a quote in a manner that explicitly contradicts the broader context of the author's teaching. On page 57 and 58 footnote 5, we have the following misrepresentation of Rushdoony:

This stands in contrast to the teaching of Rousas J. Rushdoony, who wrote in the Forward to *Theonomy in Christian Ethics*, x., "Justification is by the grace of God through faith, and sanctification is by the law." In *The Institutes of Biblical Law* (n.p.: The Presbyterian and Reformed Publishing Company, n.d.) 550, he maintains this chapter of the Confession "is excellent as far as it goes, but it fails to specify precisely what the way of sanctification is." The reality is that the Confession teaches a *gracious way* of sanctification. How can this be found wanting except by those who espouse a legal method?

In this footnote Winzer argues that Rushdoony's understanding of sanctification is opposed to these quotes: "In regeneration there is 'a new heart and a new spirit created in them' (WCF 13.1). In sanctification, they are 'more and more quickened and strengthened in all saving graces, to the practice of true holiness, without which no man shall see the Lord' (WCF 13.1)" (TCP, 57). Windsor apparently interprets Rushdoony's quote as teaching that we are justified solely by Christ; but, sanctification is something that is not a result of God's grace; but is something *that men can do in their own power*, without the work of the Holy Spirit, who is given to us because of our union with Christ and who works effectively in us because of the efficacy of the sinless life, death and resurrection of Jesus. In other words, Winzer apparently believes that Rushdoony teaches that Christ is not our foundation and source for sanctification (cf. Rom. 6, 7; 1 Cor. 1:30-31; Gal. 2:19-21; 5:6, 16-18; etc.). This certainly seems to be Winzer's view since he accuses Rushdoony of legalism or espousing "a legal method."

Is this what Rushdoony and theonomy advocates? Anyone who has read *The Institutes of Biblical Law* and Rushdoony's other writings should know that *such an accusation is totally*

that have been abrogated in the New Covenant era. The only exceptions would be Rushdoony on the food laws and Chilton, Jordan and others on things like incense. Virtually all modern Presbyterians are in violation of this distinction in their use of musical instruments in public worship, which in the Old Testament were moral-positive statutes for the priests and Levites. If we can use musical instruments today in public worship, which were only authorized for Temple-ceremonial worship by Levites, then why not incense, vestments, sacred vessels, etc.? When we get to Winzer's discussion of the judicial laws, we will see that he does not understand the distinction between moral and positive-moral either.

false. In fact, Winzer's own quote proves that Rushdoony is not a legalist, for he says that the Confession's statement "is excellent as far as it goes" (*Institutes*, 550; cf. 4, 307). Rushdoony totally agrees with the Confession's teaching on regeneration and sanctification. He thinks that the Westminster divines should *have also noted the standard or means* of sanctification, which is the word of God, especially the moral law. This is basic Reformed theology.

The Reformed understanding of the moral laws of God revealed in the Old Testament is that they can never be used as a ground, partial ground or co-instrument of justification; and, that the revealed moral laws of God do not have any power or ability to sanctify a person *without* regeneration and an internal, enlightening, enabling, empowering work of the Holy Spirit. The work of progressive sanctification is unlike regeneration in that the Spirit of God uses means (i.e. the means of grace) to make believers more holy or obedient. The central means is the word of God. "Sanctify them by Your truth. Your word is truth" (Jn. 17:17). "You have purified your souls in obeying the truth through the Spirit..." (1 Pet. 1:22). "As newborn babes, desire the pure milk of the word, that you may grow thereby..." (1 Pet. 2:2). Thus, as an important part of the ethical teachings of Scripture, the revealed moral laws in both testaments should be studied, memorized and applied for our growth in godliness. This makes sense, for the revealed moral law defines sin (cf. 1 Jn. 3:4) and tells us what behaviors must be removed from our lives. God's revealed law tells us what is good and what is bad; what is spiritual and what is sinful. As David says,

How can a young man cleanse his way? By taking heed according to Your word...Your word I have hidden in my heart, that I might not sin against You...I will meditate on Your precepts, and contemplate Your ways...I will delight myself in Your statutes; I will not forget Your word...Teach me, O LORD, the way of Your statutes, and I shall keep it to the end...Give me understanding, and I shall keep Your law; indeed, I shall observe it with my whole heart (Ps. 119:9, 11, 15, 16, 33, 34).

This is what Rushdoony is teaching. One may criticize some of Rushdoony statements for a lack of clarity or having been written in a way as to be easily taken out of context and abused by dispensational or unconfessional critics of theonomy, but even a casual reader of Rushdoony (by someone who does not have an ax to grind) knows that he is not a legalist.

Note for example, that Rushdoony repeatedly insists in his writings that there is no hope for people or society without regeneration or a work of the Holy Spirit. He writes, "The New Testament abounds in warnings against disobedience and in summons to peace. The key is regeneration, propagation of the gospel, and the conversion of men and nations to God's law-word. Meanwhile, the existing law-order must be respected, and neighboring law-orders must be respected as far as possible without offense to one's own faith" (*Institutes*, 113-114). In *The Institutes* Rushdoony says, "The key to social renewal is individual regeneration. All authorities are to be obeyed, parents, husbands, masters, rulers, pastors, always subject to the prior obedience of God" (*Institutes*, 122). On page 449 he adds, "Clearly, there is no hope for man except in regeneration." On the same page where Rushdoony says that "sanctification is by

means of the law of God” (*Institutes*, 4), he goes on to clarify this statement by saying, “The purpose of grace is not to set aside the law, but to fulfill the law [i.e. the justification achieved by the active and passive obedience of Christ] and enable man to keep the law” (i.e. the work of the Holy Spirit in regeneration and progressive sanctification whereby the justified sinner is more and more enabled to obey the moral law out of gratitude for the salvation already achieved by Christ). Anyone familiar with Rushdoony’s writings knows that he repeatedly insists on the necessity of regeneration, conversion and work of God’s Spirit in people, if they are to live in obedience to God’s Word.¹⁵ Rushdoony is not a legalist and never has been.

If there are any further doubts as to Rushdoony’s position on sanctification, one can easily clear things up by reading from his work on systematic theology. Rushdoony writes,

The Shorter Catechism (no. 35) defines sanctification thus: “Sanctification is the work of God’s free grace, whereby we are renewed in the whole man after the image of God, and are enabled more and more to die unto sin, and live unto sin, and live unto righteousness (I Peter. 1:2; Eph. 4:24; Rom. 6:6).”

First, the divine priority in sanctification or growth in holiness is God’s free grace. I Peter 1:2 links and grounds sanctification in God’s election and foreknowledge; Ephesians 4:24 makes clear that it follows from regeneration.

Second, in sanctification our nature is renewed and remade in all our being after the image of God, i.e., in conformity to the last Adam, Jesus Christ. Having been transferred by Christ’s justification into the new humanity, we are now by God’s Spirit led into the holiness of that new race of Jesus Christ.

Third, in this life, while never wholly sanctified, we die more and more to sin by the renewing of the Spirit. At the same time, this means growth in righteousness or justice, and God’s justice is set forth in His law-word. Just as “sin is the transgression of the law” (I John 3:4), so holiness is the obedience of faith to the law. Holiness is grounded on justification and regeneration.¹⁶

Given the abundant evidence that Rushdoony is not asserting a legalistic understanding of sanctification, we would hope that Winzer and Chris Coldwell who published these completely false accusations would publicly acknowledge these misrepresentations and ask Rushdoony’s family for forgiveness.

Do Theonomists Teach Relativism and Human Autonomy?

After falsely asserting that theonomists have a unitary view of the law (i.e. they do not distinguish between moral and positivistic laws [e.g., ceremonial and certain civil laws]) and that they do not recognize that many laws have been set out of gear by the coming of Christ, Winzer sets forth a very twisted interpretation of Bahnsen on the case laws. He writes,

¹⁵ “In terms of God’s law, true reform begins with regeneration and then the submission of the believer to the whole law-word of God” (*Institutes*, 571).

¹⁶ Rousas John Rushdoony, *Systematic Theology* (Vallecito, CA: Ross House, 1994), 537, 538.

Because theologians have failed to distinguish between perpetual and temporary laws of God, they give a rather vague impression as to the function of law. In general the law is thought to be inflexible in its requirements, but in particular situations these requirements become flexible to suit the situation. Greg Bahnsen explains what he means by the abiding validity of case laws as well as the ten commandments: “The case law illustrates the application or qualification of the principle laid down in the general commandment. The case law elaborates the commandment by means of a concrete illustration” (*TICE*, 313). The problem with this view is that it makes the ten commandments something less than moral law; they have lost their absolute character as a law that perpetually binds all men by reason of legislative authority. Moral *law* has been reduced to moral *principle*. Absolutes, which should apply at all times, have been turned into relative values that require *qualification* or *elaboration* in specific situations. Something other than the legislative authority of the Lawgiver becomes the reason for acting under particular conditions. The theologian has unwittingly ascribed autonomy to man by giving him the power to choose situations where the moral law must be adjusted so as to apply case-specific laws (*TCP*, 60).

The best way to proceed when dealing with a gross perversion of a quote is to give the true meaning and then analyze how the quote has been abused. Bahnsen describes a commandment within the Decalogue as a general commandment in that, as each commandment is a summary, it has a broad meaning and application. Johannes G. Vos explains, “The Ten Commandments are not a complete statement *in detail* of the moral law, but rather a *summary* of the moral law. Rightly interpreted, they include every moral duty enjoined by God. However, the more detailed statements of God’s will are needed for a right interpretation and application of the Ten Commandments. For example, the eighth commandment forbids stealing, but only by a study of other parts of the Bible can we learn what ‘stealing’ includes and frame a correct definition of it.”¹⁷ One could say that everything related to stealing is comprehended or contained in the eighth commandment as a summary, but not everything is explained or applied. Bahnsen is *not* saying that the Ten Commandments are something less than moral law or that they need to be regarded as mere principles. Rather, he is saying that the moral standing laws and case laws help us understand the full meaning of each commandment because they give us specific examples of different ways each commandment can be violated or obeyed.

To help understand what Bahnsen is saying, consider for a moment the two commandments that summarize the Ten Commandments. In Mark 12:28-31 we read, “‘Which is the first commandment of all?’ Jesus answered him, ‘The first of all the commandments is: ‘Hear, O Israel, the LORD our God, the LORD is one. And you shall love the LORD your God with all your heart, with all your soul, with all your mind, and with all your strength’ [Deut. 6:4]. This is the first commandment. And the second like it, is this: ‘You shall love your neighbor as yourself.’ [Lev. 19:18]. There is no commandment greater than these.’” In Matthew 22:40 our Lord says, “On these two commandments hang all the Law and the Prophets.” When Jesus says

¹⁷ Johannes G. Vos, *The Westminster Larger Catechism: A Commentary* (Phillipsburg, NJ: Presbyterian and Reformed, 2002), 239-240, emphasis added.

that all the law and the prophets hang on these two commands, He is asserting that all the law and even the Ten Commandments are summarily comprehended in these two commandments. The command of love toward God and man follows the framework of the Decalogue, where the first table covers our proper attitude and behavior toward God and the second to our fellow man. “Love to God and love to neighbor are commandments. Love is a requirement of the Law, not an alternative to it. ‘He that loveth his neighbor hath fulfilled all the law’ (Rom. 13:8). ‘Love is the fulfillment of the law’ (Rom. 13:10).”¹⁸ How do we know *how* to love God and our fellow man? Do we define love by looking to our culture or modern psychology books? No! The general commandment to love is explained by more detailed commandments. As Jesus Himself said, “If you love Me, keep My commandments” (Jn. 14:15; cf. 15:14). For the general requirement of love to be biblical, intelligent and purposeful, it needs definition, elaboration and examples of “concrete illustration.” Does this obvious scriptural teaching mean that the commandment to love is “something less than moral law,” or has *lost* its “absolute character as a law that perpetually binds all men”? No, of course not! “The life of Christian love is a life of obedience to the will of God as articulated in a specific manner and addressed to men as creatures bearing his image.”¹⁹ As John says, “This is love, that we should walk after his commandments” (2 Jn. 6). Given our Lord’s own procedure, is it fair to take Bahnsen’s teaching that the specific moral case laws help us better define and understand the Ten Commandments as a reduction of the Decalogue and a denial of moral absolutes? No. Winzer’s analysis of Bahnsen’s view is a figment of his own imagination. Moreover the fact that the Westminster Larger Catechism’s exposition of the Ten Commandments repeatedly appeals to the moral case laws to flesh out and explain each commandment makes Winzer’s objection to Bahnsen’s statement even more baffling. Bahnsen is essentially telling us to follow the procedure laid down by the Westminster divines.

If I am misrepresenting Winzer’s position, then he can clarify matters by answering the following questions: (1) How does Bahnsen’s recommendation of the moral case laws make “the ten commandments something less than moral law”? This is a very serious charge with no proof or sound explanation. (2) What is the difference between Bahnsen’s recommendation of the moral case laws and the Larger Catechism’s, Gillespie’s or Rutherford’s, etc.? (3) Since the moral case laws were *written by God; are clearly moral in content; and, are repeatedly used as proof texts for Christian ethics* in the Westminster Standards, why is it wrong to use them today? (4) Were the inspired writers of the New Testament who appeal to the moral case laws outside the Decalogue also guilty of reducing or relativizing the Ten Commandments? If not, why not? On this basis, Bahnsen argues against reducing the law by noting that the New Testament makes “moral judgments on the basis of the law portion of the Old Testament, citing Exodus 20, 21, 22, 23, Leviticus 11, 18, 19, 20, 21, 24, 25, Numbers 18, 30, and Deuteronomy 1, 4, 5, 6, 8, 13, 15, 17, 19, 21, and 22, 23, 24, 25, 27. The moral use of these Old Testament passages will be found scattered throughout Matthew, Mark, Luke, John, Romans, 1 and 2 Corinthians, Galatians,

¹⁸ Carl F. H. Henry, *Christian Personal Ethics* (Grand Rapids: Eerdmans, 1957), 256.

¹⁹ *Ibid.*

Ephesians, 1 Timothy, Hebrews, James, 1 Peter, 1 John, and Revelation. Therefore, the attempt made by some Christian teachers today to reject or reduce the authority of the Old Testament law will over and over again meet with embarrassment before the text of the New Testament.”²⁰

If the inspired New Testament authors can appeal directly to moral case laws outside Decalogue in formulating and applying Christian ethics (e.g., Matt. 4:7~Deut. 6:16; Mark 10:19~Deut. 24:14; Matt. 19:19~Lev. 19:18; Mark 12:28-31~Deut. 6:4-5, Lev. 19:18; Matt. 18:16 and 1 Tim. 5:9~Deut. 17:6, 19:15; Rom. 1:26-27~Lev. 18:22, 20:13; 1 Cor. 5:1~Lev. 18:8, Deut. 22:30; 1 Cor. 9:9~Deut. 25:4; 1 Cor. 9:13-14~Lev. 6:16, 26; 7:6, 31ff, Num. 5:9-10, 18:8-20, 31, Deut. 18:1; Jas. 5:4~Lev. 19:13, Deut. 24:14-15; etc.), why is it wrong for Bahnsen or for us to do the same thing? One cannot escape the authoritative use of the Old Testament moral case laws in the New Testament, the Westminster Standards, the writings of the Puritans and the early Presbyterians. The fact that the Puritans and Presbyterians had *some* disagreements about the penalties is beside the point and must be answered through biblical exegesis.

Perhaps Winzer believes that he justifies his accusations in the rest of this quote. Given this possibility, we would do well to answer the completely false and ridiculous claims made in it. He writes, “Moral *law* has been reduced to moral principle. Absolutes, which should apply to all times, have been turned into relative values that require *qualification* or *elaboration* in specific situations. Something other than the legislative authority of the Lawgiver becomes the reason for acting under particular conditions. The theonomist has unwittingly ascribed autonomy to man by giving him the power to choose situations where the moral law must be adjusted so as to apply case-specific laws (*TCP*, 60).” I am not sure what Winzer means when he claims that theonomists reduce the moral law to moral principle. The word “principle” can refer to “a fundamental truth, law or doctrine” or “a rule of right conduct.” In my reading of theonomy, the authors do not speak of a reduction of law but the need to apply the truths or fundamental principles of a commandment to specific situations. The most common example used is the requirement of a fence or a railing around a roof (cf. Deut. 22:8). In Palestine, roofs were flat and were often used to entertain guests. A railing would prevent careless adults or young children from accidentally falling off the roof and becoming injured or perhaps even being killed. Most people today do not have flat roofs and thus do not entertain guests on their roof. But many people do have balconies and second-story decks. The theonomist would argue that the moral principle behind building a railing or fence on a flat roof (which people used as a deck or outdoor space) applies to similar circumstances in every era and nation. Consequently, it is legitimate, biblical and morally required to have a railing structure on decks and balconies. The moral case law regarding having a railing is an explication and application of the sixth commandment not to commit murder or unlawful killing. It does not reduce or replace the sixth commandment, it applies it to a specific situation. It does not turn the sixth commandment into “a relative value” but applies it to the area of the protection of human life or safety.

This typical use of a moral case law by theonomists is *explicitly taught in the Larger Catechism*. The answer to question 136 reads, “The sins forbidden in the sixth commandment

²⁰ Greg L. Bahnsen, *By This Standard: The Authority of God’s Law Today*, 124.

are, all taking away the life of ourselves, or of others, except in case of public justice, lawful war, or necessary defense; the neglecting or withdrawing the lawful and necessary means of preserving life; sinful anger, hatred, envy, desire of revenge; all excessive passions, distracting cares; and moderate use of meat, drink, labor, and recreations; provoking words, oppression, quarreling, striking, wounding, and whatsoever else tends to the destruction of the life of any.” The authors of the Larger Catechism appeal to Numbers 35:16, 17, 18, 31 and Exodus 21:18ff; 22:2 which are moral case laws *outside* Decalogue. Where they guilty of reducing the moral law to moral principle, whatever that means? Were they denying the legislative authority of the Lawgiver? Were they giving man human autonomy because they applied the Decalogue to specific situations? Moreover, if one argues that applying a moral law to a specific situation relativizes or reduces the law or somehow makes man autonomous, why did God Himself, through Moses, repeatedly applied His Ten Commandments to specific situations? It seems rather obvious that Jehovah wanted His people to learn how to apply the Ten Words to all sorts of situations in life. I ask Winzer to give *specific examples* of prominent theonomist authors denying or reducing the Ten Commandments. (The Fourth Commandment excepted; I have already repudiated North and Rushdoony’s great error on this particular commandment.)

We come to the final and perhaps most outrageous claim of Winzer in this quote, that theonomists give “autonomy to man by giving him the power to choose situations where the moral law must be adjusted to apply to case-specific laws.” This statement is another example of Winzer making something up out of thin air. Where do theonomists speak of making the adjustments to the moral law to make them apply to specific case-laws? Theonomists do what the Westminster divines, the Puritans, early Presbyterians and all competent Christians have done. They (using historical-grammatical principles of interpretation and logic) do their best to organize moral case laws under related specific commandments. Case laws related to safety, keeping animals under control, violence, hatred, manslaughter, murder, etc. are organized under the sixth commandment and tell us how God Himself applies the sixth commandment to different situations in life. The theonomist says, “Let’s do what God says to do. Let us apply the moral case law even in its details to our modern society as best we can by going directly to divine revelation.” It is the specificity and the insistence on sticking to what the Bible says should be done that has resulted in so much controversy. Winzer is the first critic of theonomy I have read (and I have read many) that accuses them of unwittingly advocating human autonomy in ethics. Someone may disagree with a particular application made by a theonomist (especially in areas in which divine revelation does not speak directly [e.g., laws related to speeding or drunk driving]), but this does not mean all applications are by nature expressions of human autonomy. All ministers who preach, teach and give counsel must make specific applications to current issues and problems from Scripture. Is Winzer saying that one can *only* appeal to the Ten Commandments or that an appeal to the moral case laws is *by nature* or *automatically an autonomous appeal*? If he is, he has rejected the Westminster Standards and applicatory preaching.

In addition, Winzer's accusation of human autonomy in ethics is contradicted by his later assertion that theonomists are in error by advocating that civil magistrates must enforce the whole law [a theonomist would say the whole *moral* law] including the penalties. He writes, "Westminster teaches that the rule of the magistrate is the moral law of God which gives normative direction for law-making, but theonomy advocates the magistrate is bound to the whole law of God as it prescribes specific actions in particular situations. Finally, Westminster maintains that a Christian magistrate over a covenanted nation may suppress blasphemies and heresies with the liberty to alter the kind and degree of punishment, but theonomy makes the Old Testament punishments binding and unalterable on all nations. Westminster and theonomy clearly set forth two divergent schemes as to the nature and function of the civil magistrate" (*TCP*, 88). Those terrible, dangerous theonomists actually teach the Christian civil magistrates are bound to uphold and enforce the whole moral law of God! They actually follow the Great Commission which says that the ministers of the gospel are to teach all nations "to observe all things that I have commanded you." They want to obey Jesus, who upheld every jot and tittle of the moral law (Mt. 5:18). They do not want to be the least in the kingdom by teaching man to ignore and break the least of the Bible's moral or abiding commandments (Mt. 5:19). I ask you, does that sound like human autonomy to you? The theonomic position is that every moral law of God, even the many moral laws found outside the Decalogue, are absolute, universal, and binding. This is the position of the Westminster Standards and the early Presbyterians and Puritans. Anyone who does not agree with these statements is an explicit or implicit dispensationalist. All that Winzer proves in his lengthy article is that *some* Puritans and early Presbyterians disagreed with theonomy on the penalties.²¹ But, note, they also disagreed with each other. Does the fact that Gillespie essentially agrees with the theonomic position, while Rutherford does 96% of the time and others less, mean that Bahnsen or Gillespie are dangerous heretics? No, of course not! It informs us that we need to carefully study Scripture to see which position best conforms to the word of God and logic. If Winzer thinks that he can come up with penalties that are more just, fair and equitable than the ones that Jehovah Himself wrote, he should read Deuteronomy 4:7-8, "For what great nation is there that has God so near to it, as the LORD our God is to us, for whatever reason we may call upon Him? And what great nation is there that has such statutes and righteous judgments as are in all this law which I set before you this day?"²²

²¹ A careful reading of Second Reformation Presbyterians will actually reveal that, on the penalties, they have much more in common with Theonomists than Winzer and anti-law Presbyterians (e.g., the Free Church, Bible Presbyterians, etc.). Virtually all of the early Presbyterians held that the death penalty offenses were still binding (e.g. idolatry, witchcraft, sorcery, homosexual behavior, bestiality, murder, etc.). They regarded the *method* of execution as positive, not the *requirement* of execution. The only exception was the death penalty for breaking the Sabbath, which many regarded as positive. The original Presbyterians were more consistent and biblical on the penalties than modern theonomists who tend to be soft on the first table of the law. Some of the early Presbyterians, such as Rutherford, have been misunderstood because they allowed some flexibility in very unusual circumstances (e.g., slaying looters). This topic will receive more elucidation below.

²² Regarding this verse Matthew Henry notes, "Observe, *First*, That all these statutes and judgments of the divine law are infinitely just and righteous, above the statutes and judgments of any of the nations. The law of God is far more excellent than the law of nations. No law so consonant to natural equity and the unprejudiced dictates of right

Thus far, the theonomists have been chastised for embracing human autonomy in ethics and for wanting to uphold and apply the details or specifics of the law. Although Winzer is wrong on both counts, he would do well to argue one or the other, but not both. Moreover, who is guilty of seeking an area of human autonomy in matters of justice? Those who insist on applying the specifics of the law,²³ or those who teach it is permissible to ignore the specific

reason, so consistent with itself in all the parts of it, and so conducive to the welfare and interest of mankind, as the Scripture-law is, Ps. cxix.128. *Secondly*, The having of these statutes and judgments set before them is the true and transcendent greatness of any nation or people. See Ps. cxlvii.19, 20. It is an honor to us that we have the Bible in reputation and power among us. It is an evidence of a people's being high in the favor of God, and a means of making them high among the nations. Those that magnify the law shall be magnified by it (*A Commentary on the Whole Bible*, 1:744). S. T. Driver notes, "No other great nation possesses a body of law in itself so righteous, i.e. so conformable to the requirements of justice and right, and consequently so adopted to command the admiration of mankind at large, as Israel has" (*A Critical and Exegetical Commentary on Deuteronomy* [Edinburgh: T & T Clark, (1895 1986), 65]. C. F. Keil and F. Delitzsch add these thoughts, "... In the law of God they possessed such statutes and rights as the heathen never had. True right has its roots in God; and with the obscuration of the knowledge of God, law and right, with their divinely established foundations, are also shaken and obscured (cf. Rom. I. 26-32)" (*Commentary on the Old Testament* [Grand Rapids: Eerdmans, 1981], 2:310). P. C. Craigie notes, "The law itself was distinctive, for its source was the Lord and so its character was righteous" (*The Book of Deuteronomy* [Grand Rapids: Eerdmans, 1976], 131). Regarding verse 8 John Gill writes, "Founded in justice and righteousness and truth, and keeping them from doing any injury to each other's persons and properties, and to maintain good order, peace and concord among them.... Now there was not any nation then in being, nor any since, to be compared with the nation of the Jews, for the wise and wholesome laws given unto them...." (*An Exposition of the Old Testament* [London: Matthews and Leigh, 1810], 2:18). It is crystal clear that Matthew Henry, Gill and others are describing the whole body of moral laws including the penalties and not simply the Decalogue. While Calvin has expressed some disagreements with the theonomic view of the penalties, his overall understanding of what we would call moral case laws is theonomic to the core. He writes, "But let us come to that which Moses adds concerning statutes and laws, which is the principle point of this sentence. *What people is there (says he) which has so rightful statutes and ordinances as we have?* Truly if a man would have believed the heathen, they thought very well of themselves in their own dotages [feeble-mindedness or childishness], and they bear themselves in hand that there was nothing but sound perfection in them. But yet for all that, it is a wonder to see how they became so dull. They that otherwise were of great skill and sharp-witted, became so brutish in their superstitions, as even little children might justly have been ashamed of them. But the light must be said to shine in the dark; or else it will never be possible to discern a right. And for proof thereof, what is the cause that the heathen are so hardened in their own dotages? It is for that they never knew God's Law, and therefore they never compared the truth with the untruth. *But when God's law comes in place, then does it appear that all the rest is but smoke:* in so much that they which took themselves to be marvelously witty, are [instead] found to have been no better than besotted [foolish] in their own beastliness. This is apparent. Wherefore let us mark well, that to discern that there is nothing but vanity in all worldly devices, we must know the Laws and ordinances of God. *But if we rest upon men's laws, surely it is not possible for us to judge rightly.* Then must we need to go first to God's school, and that will show us when we have once profited under Him, it will be enough. That is all our perfection. And on the other side, we may despise all that ever is invented by man, saying there is nothing but fondness and uncertainty in them. *And that is the cause why Moses terms them rightful ordinances.* As if he should say, it is true indeed that other people have stores of ceremonies, stores of rules and stores of laws: but there is no right in them at all, all is arie, all is crooked. True, it is that they perceive it not: and what is the cause thereof, but for that it is not possible for them to discern good from evil, without God's word which is the truth? Howsoever we fare, *we cannot do the thing that is just or right, except we have first learned it at God's hand.* And if we have been so far overseen us to allow our own doings, let us not go on still, for God will disallow every wit of it, because we must take all our righteousness at His truth. In this case, it is not for every man to bring his own weights and his own balance: *but we must hold ourselves to that which God has uttered and does utter*" (*The Sermons of John Calvin upon the Fifth Book of Moses Called Deuteronomy* [Carlisle, PA: Banner of Truth, (1583) 1987], 123. English modernized and emphasis added).

²³Of course, taking into account the need to carefully apply the moral case laws to our own unique cultural and social conditions, as well as meticulously considering any possible New Testament modifications. For example, in

moral case laws and the penalties and simply follow one's own ideas? (Below, we will consider how Winzer finds more flexibility [i.e. human autonomy] in his view of the general equity clause.)

Winzer on the Moral Law and the Ten Commandments

Winzer's apparent rejection of moral laws within Israel's judicial law forces him to reject the plain and obvious understanding of the Larger Catechism's definition of the Ten Commandments; and, leads him to define all of the laws within the judicial law of Israel as *positivistic laws*. We will consider each of these serious errors in turn. On page 62 Winzer notes,

There is a clarification in the Larger and Shorter Catechisms as to what is meant by the moral law being *in* the ten commandments. It is said "the moral law is *summarily comprehended* in the ten commandments" (LC 98, SC 41). The verb, to *comprehend*, means to fully include a thing; and the adverb, *summarily*, qualifies that the thing so comprehended is briefly accounted for. The moral law, therefore, is fully but briefly accounted for within the ten commandments. Taking the Confession and Catechisms together, according to the plain and common sense of their words, one may conclude that the framers considered the moral law to be a perfect rule of righteousness which is fully but briefly contained within the ten commandments.

Theonomists, however, reject this understanding of the ten commandments when they make the decalogue to serve as a summary which comprehends the whole law or a mere summary of the moral law. Greg Bahnsen states his distinctive view as follows: "the decalogue has a *summary* nature: it briefly comprehends the whole law of God without going into detail." The consequence is that the law which the Mediator ratifies includes not only the decalogue but also "the case law applications and elaborations" (TICE, 194fn.). In a different vein Martin Foulner criticizes those who "equate the Moral Law with the Ten Commandments," and suggests that they "were only a *summary* of the Moral Law" (Foulner, *Theonomy*, 6). Unlike Bahnsen, he makes the decalogue a summary of the *moral* law, but he omits the *comprehensive* nature of that summary.

Winzer seems to be teaching that it is wrong to regard the Ten Commandments as comprehending the whole moral law of God in a summary form which is *exactly* what the Larger Catechism and Greg Bahnsen are saying. Note that he defines comprehend as "to fully include a thing" instead of comprise, include or embody something. One could say that it fully includes every aspect, subject or topic of the moral law; but to say it fully includes a thing implies it is not a summary or an abridgment of the moral law. The word "*summarily*" means "in a summary manner."²⁴ It means that the Ten Commandments are a *summary* of the whole moral law of God.

the new covenant era believers are not permitted to put away or divorce their husbands or wives unless the unbelieving spouse voluntarily departs; 1 Cor. 7:12-16.

²⁴ *Webster's New Twentieth Century Dictionary of the English Language*, Unabridged (Collingsworld, 1978), 1824.

It means that the Ten Commandments are not just *a brief statement* of the whole moral law, but a *summary statement* of the whole moral law.

Winzer must twist the Larger Catechism at this point because he does not want to admit that there are morally binding laws *outside* the Decalogue in the Old Testament. The fact that the Larger Catechism says that the Ten Commandments are a summary of the whole moral law clearly implies that there are a lot of moral commands and teachings outside the Decalogue that elaborate upon it, expound it and flesh it out.²⁵ It means that Greg Bahnsen got it right and Winzer got it wrong. It means *The Confessional Presbyterian* (at this point) is advocating unconfessional nonsense. To prove my point, let us look at two quotes that were written before Rushdoony's first book was published in 1958. Thomas Boston writes, "I shall shew how the law is summarily comprehended in the ten commandments. To be summarily comprehended in a thing, is to be summed up in it, to be abridged and compendised as it were. The commandment is exceeding broad, and runs through the whole Bible; but we have a summary or short view of it in the ten commands given by the Lord on Mount Sinai. The ten commandments are the heads of all the duties of the law largely contained in the whole Bible. They are the text which Christ himself, the prophets, and apostles expounded. They comprehend the whole duty of man, Eccl. xii.13. There is nothing that God requires but may be reduced to one of these commandments."²⁶ Once again we note the commentary of Johannes G. Vos, "The Ten Commandments are not a complete statement in detail of the moral law, but rather a summary of the moral law. Rightly interpreted, they include every moral duty enjoined by God. However, the more detailed statements of God's will are needed for a right interpretation and application of the Ten Commandments. For example, the eighth commandment forbids stealing, but only by study of other parts of the Bible can we learn what 'stealing' includes and frame a correct definition of it."²⁷

After several good statements by Puritans and Presbyterians that do not contradict theonomy at all unless misinterpreted,²⁸ Winzer concludes this section by saying: "So it is clear that the framers of the Westminster formulary consider the ten commandments to be a comprehensive summary of all moral absolutes and to form a perfect rule of righteousness which is binding upon all men in all ages because they are a republication of the law of nature. This view is rejected by theonomists, who are forced by their commitment to the abiding validity of other laws to give a much lower appraisal of the relationship of the ten commandments to the moral law" (*TCP*, 64). This quote reveals some of the difficulties in critiquing this article, in that

²⁵ Note for example the seventh commandment which says, "You shall not commit adultery." Anyone reading this commandment would conclude that it only teaches that any sexual relations outside of the marriage relationship (i.e. monogamous heterosexual marriage) are unlawful and a serious sin. But by reading the whole Bible, especially the moral case laws, we learn that it also forbids fornication or premarital sex (Deut. 22:28-29), homosexual relations (Lev. 18:22; 20:13), bestiality (Ex. 22:19; Lev. 18:23), rape (Deut. 22:25-27), unlawful sexual lust (Mt. 5:28), prostitution (Lev. 19:28; 23:17-18), incest (Lev. 18:6-17; 20:14, 17), pederasty (1 Cor. 6:9) and so on.

²⁶ Thomas Boston, *Commentary on the Shorter Catechism* (Edmonton, AB, CN: Still Waters Revival Books [1853] 1993), 2:69.

²⁷ Johannes Vos, *The Westminster Larger Catechism: A Commentary*, 239-240.

²⁸ It would contradict those theonomists who do not acknowledge a separate category of law called judicial law. It does not contradict most theonomists' understanding of the Ten Commandments as moral, universal and perpetual.

on page 62 Winzer just attacked Bahnsen for referring to the Ten Commandments as a summary that comprehends the whole law. Perhaps Winzer means something different by “comprehensive summary of all moral absolutes.” Whatever he means, Bahnsen’s view reflects the teaching of the Larger Catechism.

In this quote Winzer accuses theologians of rejecting the standard Puritan and Presbyterian view of the Ten Commandments because they believe in the abiding validity of *other laws* besides the Decalogue. This is a very strange accusation given the fact that the Confession of Faith recognizes that there are moral precepts in the judicial law that continue. If there were not, there would be no moral equity clause.²⁹ Moreover, we just saw that the Larger

²⁹ The meaning of the general equity clause becomes clear when we see how the Westminster divines revised their original wording of the ninth proposition of the seventh article of the Thirty-Nine Articles: “*Original*: Although the law given from God by Moses, as touching ceremonies and rites, do not bind Christian men; for the civil precepts thereof ought of necessity to be received in any commonwealth.... *Westminster Assembly’s Revision*. Although the law given from God by Moses, as touching ceremonies and rites, do not bind Christians; or the civil precepts given by Moses, such as were peculiarly fitted to the commonwealth of the Jews, are as necessity to be received in any Commonwealth (Acts 25:9, 10, 25 with Deut. 17:8-13. Rom. 13:1, 5. Tit. 3:1. 1 Pet. 2:13, 14)...” (From Chris Coldwell, “The Westminster Assembly and the Judicial Law: A Chronological Compilation” in *The Confessional Presbyterian*, 2009, 8). According to the Westminster Assembly, only the laws that “were peculiarly fitted to the commonwealth of the Jews” do not bind Christians. This means that laws that are moral that are found in the judicial law applied to non-Jews in the Old Testament and to all men in the New Covenant administration.

Note that this is precisely what John Sedgwick (who served on the first committee of the Westminster Assembly) said in his *Antinomianism Anatomized*... (London, 1643): “This Law concerned the Jews not simply, as men, but as Jews; the National, personal, or particular binding right of this Law rested so in them, that it died with the decay of their Common-wealth: only the common equity or right hereof remaineth as far as it was grounded on the Law of Nature, served directly to confirm any of the Ten Commandments, or to uphold the good of Family, Church, or Common-wealth, it is still in force, and of good use...” (*Antinomianism Anatomized*, 7, selling modernized) (see *Ibid*, 9). When Sedgwick says it is grounded in the law of Nature, he means that it was part of the moral law originally placed in man before the fall that directed his conscience. When he says “confirm the Ten Commandments” he means establish, uphold or reaffirm something already established. This is an explicit acknowledgment that there are moral case laws that explicate that Ten Commandments.

Herbert Palmer, in *The Glasse of God’s Providence* (London: 1644), warns us not to simply reject the whole judicial law in a dispensational manner. Under a section entitled “General Rule about Laws in the Word” he writes, “*That whatsoever Law of GOD, or Command of His, we find recorded in the Lawbook, in either of the Volumes of GOD’S Statute, the N. T. or the Old, Remains obligatory to us, unless we can prove it to be expired, or repealed. So it is with the Statute-Law of this Nation, or of any Nation; What I can prove to be once enacted, I may urge as still in force, unless any one can answer me with a just proof that it is now out of date, or Repealed by a latter Law*” (see *Ibid*, 13). This quote sounds very similar to Greg Bahnsen. Note, while it is easy to prove that civil laws peculiar to the Jews have expired with the covenant nation, it is *impossible* to prove that moral case laws (i.e. laws regarding murder, violence, theft, adultery, fornication, homosexuality, bestiality, incest, kidnapping, rape, etc.) have expired.

William Reyner in a sermon delivered at Westminster entitled, “Babylon’s ruining-earthquake and the restoration of Zion” in 1644 adopted the theonomic position on the penalties when he said, “This duty is principally incumbent upon the magistrate, who is to execute judgment of the Lord, not arbitrarily as himself pleaseth; but according to the role of the Word, both for matter and manner” (see *Ibid*, 14).

George Gillespie, who was perhaps the greatest Christian scholar in his day and a member of the Westminster Assembly, held to a position on the moral case laws identical to the modern theonomy movement. Favorably quoting Johannes Piscator he writes, “He answers by the common distinction, he is obliged to those things in the judicial law which are unchangeable, and common to all nations: but not to those things which are mutable, or proper to the Jewish Republic. But then he explains this distinction, that by things mutable, and proper to the Jews, he understands the emancipation of an Hebrew servant or handmaid in the seventh year, a man’s marrying his brother’s wife and raising up seed to his brother, the forgiving of debts at the Jubilee, marrying with one of the same tribe, and if there be any other like to these; also ceremonial trespasses, as touching a dead body, etc. but things

Catechism refers to the Decalogue as a summary (“summarily comprehended”) which implies that there are moral imperatives and teachings *outside* of the Ten Commandments. In addition, there are several prominent Puritans and early Presbyterians that speak of moral laws outside of the Decalogue. For example, the great Covenanter minister James Durham (1622-1658), who it is said with David Dickson, to have written *The Sum of Saving Knowledge* and who was the professor of divinity in the University of Glasgow wrote, “The judicial law is for regulating outward society, and for government, and generally (excepting what was peculiar to the people of *Israel*) agrees with the moral law.”³⁰ We ask Winzer, can a law agree with the moral law and not be moral? Did Jesus show a lower appraisal of the Ten Commandments when He spoke of the two greatest commandments and quoted from moral laws outside the Decalogue (Mt. 22:36-

immutable, and common to all nations, are the laws concerning moral trespass, sins against the moral law, as murder, adultery, theft, enticing away from God, blasphemy, striking of parents. Now that the Christian Magistrate is bound to observe these judicial laws of Moses, which appoint the punishments of sins against the moral law, he proves by these reasons. (1.) If it were not so, then it is free and arbitrary to them Magistrate to appoint what punishments he pleases. But this is not arbitrary to him, *for he is the minister of God*, (Rom. 13:4) and *the judgment is the Lord's* (Deut. 1:7; 2 Chron. 19:6). And if the Magistrate is *keeper of both tables*, he must keep them in such manner as God hath delivered them to him. (2.) Christ's words (Matt. 5:17), *Think not that I am come to destroy the Law or the Prophets, I am not come to destroy, but to fulfill*, are comprehensive of the judicial law, it being part of the law of Moses. Now he could not fulfill the judicial law, except either by his practice, or by teaching others still to observe it; not by his own practice, for he would not condemn the adulteress (Jn. 8:11), nor divide the inheritance (Luke 12:13-14). Therefore it must be by his doctrine for our observing it. (3.) If Christ in his sermon (Matt. 5), would teach that the moral law belongs to us Christians, in so much as he vindicates it from the false glosses of the scribes and Pharisees; then he meant to hold forth the judicial law concerning moral trespasses as belonging unto us also; for he vindicates and interprets the judicial law, as well as the moral (Matt. 5:38), *An eye for an eye*, etc. (4.) If God would have the moral law transmitted from the Jewish people to the Christian people; then he would also have the judicial laws transmitted from the Jewish Magistrate to the Christian Magistrate: there being the same reason of immutability in the punishments, which is in the offenses. Idolatry and adultery displease God now as much as then; and theft displeases God now no more than before. (5.) *Whatsoever things were written aforetime, were written for our learning* (Rom. 15:4), and what shall the Christian Magistrate learn more from those judicial laws, but the will of God to be his rule in like cases? The ceremonial law was written for our learning, that we might know the fulfilling of all those types, but the judicial law was not typical. (6.) *Do all to the glory of God* (1 Cor. 10:31; Matt. 5:16). How shall Christian Magistrates glorify God more than by observing God's own laws, as most just, and such as they cannot make better? (7.) *Whatsoever is not of faith is sin* (Rom. 14:23). Now when the Christian Magistrate punishes sins against the moral law, if he does this in faith and in assurance of pleasing God, he must have his assurance from the Word of God, for faith can build upon no other foundation; it is the Word which must assure the conscience: God has commanded such a thing, therefore it is my duty to do it; God has not forbidden such a thing; therefore I am free to do it. But the will of God concerning civil justice and punishments is nowhere so fully and clearly revealed as in the judicial law of Moses. This therefore must be the surest prop and stay to the conscience of the Christian Magistrate. These are not my reasons (if it be not a word or two added by way of explaining and strengthening), but the substance of Piscator's reasons. Unto which I add, 1. Though we have clear and full Scriptures in the New Testament for abolishing the ceremonial law, yet we nowhere read in all the New Testament of the abolishing of the judicial law, so far as it did concern the punishing of sins against the moral law, of which heresy and seducing of souls is one, and a great one. Once God did reveal his will for punishing those sins by such and such punishments, he who will hold that the Christian Magistrate is not bound to inflict such punishments for such sins, is bound to prove that those former laws of God are abolished, and to show some Scripture for it” (*Wholesome Severity*, in *Ibid*, 22-23). Note that Gillespie was not only *not* disciplined for holding to these ideas that are identical with the central thesis of theonomy, but was made the moderator of the General Assembly of Scotland in 1647. His views were well known and yet there were no Presbyterian articles against his teaching or charges brought. This is noteworthy given the fact that *most* of Winzer's objections against theonomy could be leveled at George Gillespie, one of the most important and greatest of Presbyterians of the Second Reformation period.

³⁰ James Durham, *A Practical Exposition of the Ten Commandments* (Dallas: Naphtali Press [1675, 1802] 2002), 55.

40; Deut. 6:5; Lev. 19:18), or when He appealed to the case laws on two or more witnesses (Mt. 18:16; Deut. 17:6; 19:15) for the New Covenant church, or the need to care or show kindness to one's enemies (Mt. 5:44; Ex. 23:4-5)? Did our Lord exhibit a lower appraisal of the Ten Words (that He wrote in stone with His own finger) when He defended the Mosaic law's teaching on divorce against the Pharisaical perversion (Matt. 5:31-32; Deut. 24:1ff), or the true meaning of Exodus 21:24; Leviticus 24:20; Deuteronomy 19:21 and 23:3-6, all of which are outside the Ten Commandments? Did Paul disrespect the Decalogue when he quoted Deuteronomy 25:4 ("You shall not muzzle an ox...") as a proof text to pay ministers of the gospel (1 Cor. 9:9)? Does Winzer think that one can glean moral principles *from non-moral abrogated laws* that are clearly not typological? If he does, perhaps he could explain such a procedure. Is Winzer really claiming that the case laws in the civil code of Israel on adultery, bestiality, incest, rape, kidnapping, tripping up a blind man, fornication, manslaughter, second-degree murder, unlawful violence, fraud and so on are not moral statutes but are all positivistic laws? Such a view is totally unscriptural and ridiculous.

Is the Whole Judicial Law of Israel Only Positive Law?

It appears that Winzer actually does hold the position that *all of the judicial laws are positivistic*. Before we note the appropriate passages, let us quote Winzer on the distinction between moral and positive laws which is excellent:

It has been observed that the Westminster formulary places great emphasis on the moral law as a perfect rule of righteousness, but it does not maintain that *all* law is *moral*. Within the Westminster documents and amongst the writings of the divines there is a second kind of law which goes by the name of *positive*. This is not used in opposition to *negative*, but in contrast to *moral*. As has been noted, the moral law is natural; besides these moral laws God gives other commandments which are not moral in their own nature but are obliging simply because God commands them.

There is a concrete example of a positive command in the Larger Catechism: "The rule of obedience revealed to Adam in the state of innocence, and to all mankind in him, *besides a special command* not to eat of the fruit of the tree of the knowledge of good and evil, was the moral law" (LC, 92). This demonstrates the basic nature of positive commands—they stand *beside* the moral law. As Anthony Burgess teaches, "the object of this command is not a thing good or bad in its own nature, but indifferent, and only evil because prohibited" (*Vindiciae*, 104) (TCP, 64).

In other words, moral laws are based on God's righteous and holy nature and character and therefore by nature are righteous, just, absolute, universally binding and perpetual. Positivistic laws are required simply based on God's authority. If God said that we could not walk on grass, it would be wrong because He forbid it. There is nothing intrinsically immoral about walking on grass.

After discussing the other kinds of law noted in the Confession (19:2) and making his case that all judicial laws (not the judicial system of law or Israel's law code as a code but every single judicial law) have expired Winzer writes,

The only possible conclusion to be drawn from such precise language is that the Confession places the judicial laws amongst the positive laws of Scripture on the understanding that positive laws are not perpetually binding.... The judicial laws, therefore, are understood to be positive laws which were given *beside* the moral law for the specific purpose of ordering Israel's commonwealth, and to have expired with the cessation of that commonwealth. Theonomists dislike the distinction between moral and civil laws which is made by the Westminster formulary and its framers. Greg Bahnsen criticizes those who draw line "between 'moral' and 'civil' laws with the intention of giving the impression that the latter class are mere matters of time-bound administration" (*TICE*, 310). He alleges there is a "concealed presumption in eliminating commandments from God which directly apply to social matters.... Such an approach does not live under the sovereign authority of God but is a reversion to rationalism and inclination" (311). If this is the theonomic opinion of the approach adopted by the Westminster formulary then it should be apparent that the Westminster formulary is non-theonomic (*TCP*, 67).

There are a number of problems with the Winzer's position that merit our attention. First, his quotes from Second Reformation Puritans and Presbyterians are highly selective and biased. He only chooses quotes that, taken out of context, sound like they support his position—that the judicial laws are 100% positivistic. But a reading of early Puritans and Presbyterians reveals dozens of quotes that are identical in meaning with theonomy (biblically defined). Gillespie says that Christian magistrates are bound to observe the judicial law of Moses in "things immutable, and common to all nations" such as "the laws concerning moral trespass, sins against the moral law...murder, adultery, theft, enticing away from God, blasphemy, striking of parents" (*Wholesome Severity*, 182). He goes on to argue that the punishments for the moral statutes in the judicial law are binding as well (*Ibid*, 183; see preface to *Aaron's Rod Blossoming*). Rutherford appealed to judicial laws and their penalties frequently in his writings saying, "all the laws of the Old Testament (which we hold in their moral equity to be perpetual)...blasphemies, heresies, solicitation to false gods..." (*A Free Disputation...*, 45). By "moral equity" he did not mean vague general principles, for he argued that it was wrong not to impose the death penalty when the Old Testament law imposed it (*Ibid.*, 53, 54, 57-58, 68). When he argues for the justice and use of Old Testament penalties, he refers explicitly to Old Testament judicial laws (*Ibid*, 145). After quoting what theonomists call a moral case law, such as Deuteronomy 13, Rutherford said, "That is no temporary law obliging the Jews only..." (*Ibid*, 185). Whenever Rutherford would see a law in the judicial code of Israel that he believed was moral he would make comments such as, "this must be a perpetual law" [e.g., after citing Deut. 13:10, 11; 80 Ex. 32:29, 30; Deut. 19:20; etc.] (*Ibid*, 186-187, cf. 183, 188, 189). Rutherford taught that the magistrate only had the authority to alter an Old Testament penalty if it was positive or ceremonial. One should read Martin A. Foulner's *Theonomy and the Westminster Confession* (Edinburgh: Marpet Press, 1997)

which is full of quotes that prove that: (1) the expiration of the judicial law of Israel refers to the *body of law* or *judicial code* not every single law within that code; (2) the Puritans and Presbyterians almost universally accepted all the moral laws in the judicial law and their penalties. They defended these laws and their penalties *vigorously* in their writings; and, (3) these churchmen of the Second Reformation period clearly recognized that the judicial law of Israel contained positive and ceremonial laws that do not apply to the New Covenant era and moral laws that must be applied by a Christian civil magistrate to society.

When the churchmen of the Second Reformation period speak of the expiration of the judicial law, but then use moral case laws within the judicial code repeatedly as proof texts for Christian ethics or how each of the Ten Commandments is to be obeyed in the Larger Catechism, *we have indisputable proof* that they regarded many of the laws within the judicial law as moral in content. When the Divines of the 1640s repeatedly appeal to moral case laws from the judicial code in their writings and sermons against popery, prelacy, idolatry and many other sins and crimes; and, *vigorously defend these passages* from the judicial law *as binding* against antinomians, Romanists and pluralists or tolerationists, then we should not choose an interpretation of their writings that makes them sound totally irrational and incompetent. It is for this reason that *most critics* of theonomy acknowledge that their core position on the moral laws in the judicial code and their penalties is essentially identical with the Westminster Standards and the Presbyterian churchmen of that era (e.g., Meredith Kline, Vern Poythress, and even to a large degree Sinclair Ferguson). Modern Presbyterians who criticize the main thesis of theonomy usually admit they are criticizing the view of the Westminster Standards and the establishment principle as well. This makes Winzer somewhat unique in that he claims to represent the true position of the Westminster Standards, while he misrepresents them on a number of key points.

One must claim that *every* judicial law is positive law (as does Winzer), but then deal with the fact that such an interpretation has the Westminster divines and Second Reformation Presbyterians repeatedly using *positive-expired* laws (that are not typical) as proof texts for Christian ethics or sanctification. Or, one must adopt the obvious, logical position that the early Puritans and Presbyterians believed that Israel's judicial law as a code or body of law expired, but individual laws within that code that are moral in content still apply because they are moral and perpetual. The first position is totally irrational and clearly contradicts the manner in which the Puritans and Presbyterians used the moral case laws in the judicial code. The second view explains any seeming contradictions and perfectly comports with actual practice. Winzer's teaching is actually more dangerous than someone like Meredith Kline because Winzer purports to represent the genuine original Presbyterian position when he most certainly does not. He has adopted a *Ten Commandments-only* position with a rigor and consistency that drives his view of the judicial laws that are moral in content to absurdity.

Second, Winzer must explain how moral case laws in the judicial code, that are confirmed as moral in sections of Scripture *outside* of the Mosaic law, can be positivistic. Homosexual acts are condemned as sinful and worthy of death in the Genesis narrative (Sodom and Gomorrah, Gen. 19:4-7, 28-29) and in many places in the New Testament (Rom. 1:24-32; 1

Cor. 6:11; 1 Tim. 1:8-10; Jude 1:7). Could the teachings outside of the judicial law be moral, while those on the exact same topic in the judicial law be positivistic? No, of course not! In fact when Paul notes why the Old Testament law is needed to restrict wickedness in society he refers primarily to violations from the judicial law: “the law is not made for a righteous person, but for the lawless and insubordinate, for the ungodly and for sinners, for the unholy and profane, for murderers of fathers and mothers, for manslayers, for fornicators, for sodomites, for kidnappers, for liars, for perjurers, and if there is any other thing that is contrary to sound doctrine” (1 Tim. 1:9-10). In these verses Paul is responding to men who would like to be teachers of the law but who are incompetent and teaching nonsense. Therefore, he notes “that the law is good if one uses it lawfully” (v. 8). George Knight writes,

The ethical list in vv. 9-10 is similar to the Decalogue and the application of it in Exodus 21...that some, indeed most, of the sins are stated in aggravated forms leads one to Ex. 21:15ff (and elsewhere), where the commandments of Exodus 20 are specifically applied and worked out, where we have reference to striking of parents (v. 15), for there is a clear indication that “you shall not kill” is meant to prohibit murder (vv. 12-14), and where one of the forms of stealing is kidnapping (v. 16). By using these aggravated forms from Exodus 21, Paul may be showing the false teachers and the church that when the OT applied and worked out the principles of the law, *it did so in this very specific way of dealing with people’s sins*. The list would therefore carry with it, then a double-edged thrust: Its ethical application of the Decalogue echoes the OT itself and thus gives both an example of how the law is to function and a refutation of the would-be law teachers.³¹

This passage is very significant in the debate over theonomy and the use of the moral case laws in the judicial code, for when Paul refutes false teachers of the law and wants the church to understand *the proper method for using the Old Testament law*, he follows the exact same procedure as a modern orthodox theonomist. He does not simply refer to the Ten Commandments but also the corresponding moral case laws that explain or flesh out the commandments. Therefore, it is safe to say that Paul would commend Bahnsen in his central thesis on the law and would rebuke Winzer for encouraging people to reject *his own inspired approach to how the law is to be used in the New Covenant era*.

There is no way to circumvent the fact that Paul’s list has reference to the Mosaic law and definitely refers to moral case laws or sins that are defined as crimes in the judicial law. This makes sense when we consider that the apostle is discussing the law’s role in *suppressing wickedness in society*. The law is not needed for the righteous (that is, those who are regenerated and obey the law [self-government]), but for lawless wicked persons (that is, those persons who live as though the law does not exist). Paul is not discussing the law’s role in sanctification, but its civil function. Therefore, it is natural that he appeals to violations of moral case laws that explain the Ten Commandments and deal with crimes. For example, Paul mentions kidnapping, which is a gross violation of the eighth commandment (Ex. 20:15). This aspect of the eighth

³¹ George W. Knight III, *The Pastoral Epistles* (Grand Rapids: Eerdmans, 1992), 83-84.

commandment, however, is explained by God in Exodus 21:16 and Deuteronomy 24:7. Fornication is a violation of the seventh commandment (Ex. 20:14). Yet, we learn that fornication is broader than illicit sexual intercourse between persons (at least one of whom is married) from the moral case laws in the judicial law (e.g., incest, Lev. 18:6ff; Paul applies the moral case law on incest in 1 Cor. 5:1; and premarital sex in Deuteronomy 22:28-29). If one accepts Winzer's assertion that all the judicial laws are positivistic (even the ones that theologians refer to as moral case laws), then homosexuality was not a sin or crime until God *arbitrarily decided to make it a crime in the judicial law*.

Moreover, if we accept Winzer's position, would it not be perfectly permissible for a civil magistrate to legalize homosexuality? After all (according to Winzer), the law that declared it to be a crime has expired and no longer applies to us. If we hold Winzer's position to its logical absurdity, then behavior such as homosexuality, premarital sex, sorcery, idolatry, witchcraft and bestiality are *not required to be illegal in a Christian nation*, for they were only positive laws that applied to national Israel alone. If Winzer objects and says that many of these sins are condemned in the New Testament, it needs to be pointed out that: a) he has essentially conceded the fact that they, in fact, are moral; and, b) he must explain how behaviors simply noted to be sins in the New Testament are also crimes. He could appeal to 1 Timothy 1:8-9; but if he did, once again, he would be conceding that the judicial law of Israel contained moral case laws that carry over and remain binding in the New Covenant era. He could appeal to natural law, but this also disproves his assertion, for natural law and moral law are the same. If he argues that the Scriptures do not speak to the issue of penology because all the moral case laws are really only positive laws and have expired and thus the civil magistrate has the freedom to impose his own penalties, or no penalties at all, then he has unwittingly sided with the secular humanists and sodomites that have worked very hard to decriminalize premarital sex, homosexual, lesbian and "trans-gendered" sexual relations. He has destroyed the foundation of the establishment principle for human autonomy in civil law codes and their applications.

Third, Winzer must explain how the dozens of passages in the judicial law *that are obviously moral* in content are not moral but positivistic. Remember a positive law is not intrinsically moral but is only wrong to disobey or immoral to violate *simply because God says so*. If God said that Christians were forbidden to eat bananas, it would be a sin to eat a banana even though there is nothing intrinsically immoral about eating a banana. According to Winzer's position, homosexual acts or having sexual intercourse with an animal is not intrinsically wrong or immoral. Being positive laws, they only became immoral when God wrote the judicial law of Israel. According to his position, witchcraft, sorcery, seduction to a false religion, fornication, tripping a blind man, oppressing the poor and widow, cursing one's father or mother, punching someone in the face, and so on were not immoral until God said so in the judicial law and all these laws have expired because they are positive laws. If Winzer objects by saying such laws are contained within the Ten Commandments, he has just contradicted his position and acknowledged that these judicial laws are, in fact, moral case laws. If he appeals to natural law, he has also denied his position and conceded the point because *natural law is moral law*. (Adam

had the moral law in his being after his creation in God's image, but he had to be told not to eat of the tree of the knowledge of good or evil because it was a positive command.) He could appeal to New Testament teaching to prove such laws were moral, but once again this disproves his assertion that these laws were positive. The only logical position is to accept the central thesis of theonomy that the judicial laws of Israel contained laws that were positive and peculiar to Israel but also contained laws that were moral and thus universal and perpetual.

This position is not hard to prove. After almost a whole chapter of laws *outside* the Decalogue which note all sorts of sexual sin and crimes in Leviticus 18 (including incest, adultery, offering children to Molech, blasphemy, homosexuality, bestiality) God says,

Do not defile yourselves with any of these things; for by all these the nations are defiled, which I am casting out before you. For the land is defiled; therefore I visit the punishment of its iniquity upon it, and the land vomits out its inhabitants. You shall therefore keep My statutes and My judgments, and shall not commit any of these abominations, either any of your own nation or any stranger who dwells among you (for all these abominations the men of the land have done, who were before you, and thus the land is defiled), lest the land vomit you out also when you defile it, as it vomited out the nations that were before you. For whoever commits any of these abominations, the persons who commit them shall be cut off from among their people. Therefore you shall keep My ordinance, so that you do not commit any of these abominable customs which were committed before you, and that you do not defile yourselves by them: I am the Lord your God (vs. 24-30).

Regarding these verses Wenham writes, "For most Christians it is self-evident that the moral rules enunciated in this chapter still apply today. The NT writers assume that the laws on incest (vv. 6-18; cf. 1 Cor. 5:1ff), adultery (v. 20, Rom. 13-9), idolatry (v. 21; cf. 1 Cor. 5:1ff; Rev. 2:14), and homosexuality (v. 22; Rom. 1:27; 1 Cor. 6:9) still bind the Christian conscience."³² Given these observations, we are not surprised that Andrew Bonar equates these moral precepts with natural law or the law within man's essence: "Again we see as at the beginning of the chapter, that these precepts have all of them a place in the conscience. The law is written on the heart even of these Canaanites; and for resisting that law they are punished. See, again, how even a smaller degree of light renders a man liable to judgment. Caanan suffers for its guilt, though the law was not given in words and in writing to them."³³ John Gill concurs when he says, "*and shall not commit any of these abominations*; such as incest, adultery, idolatry, and bestiality, which are in themselves abominable things [i.e. they are intrinsically wicked or immoral], execrable to God and to be detested by men [i.e. universally detested]."³⁴ S. H. Kellogg notes

³² G. J. Wenham, *The Book of Leviticus* (Grand Rapids: Eerdmans, 1979), 260.

³³ Andrew Bonar, *Leviticus* (Carlisle, PA: Banner of Truth, [1846] 1972), 339.

³⁴ John Gill, *An Exposition of the Old Testament*, 1:641. Regarding the phrase, "shall be cut off from among the people," Gill writes, "be removed from their church-state, and deprived of ecclesiastical privileges, and from their civil state, and reckoned no more of the state of Israel; and if known and convicted, to be punished by the civil magistrate, and if not, by the immediate hand of God" (Ibid, 1:642).

that this chapter consists “substantially of moral prohibitions and commandments throughout.”³⁵ He then adds these sober theonomic comments:

But in these days, when there is such a manifest inclination in Christendom, as especially in the United States and in France, to ignore the law of God in regard to marriage and divorce, and regulate these instead by a majority vote, it assuredly becomes peculiarly imperative that, as Christians, we exercise a holy jealousy for the honor of God and the sanctity of the family, and ever refuse to allow a majority vote any authority in these matters, where it contravenes the law of God. While we must observe caution that in these things we lay no burden on the conscience of any, which God has not first placed there, we must insist—all the more strenuously because of the universal tendency to license—upon the strict observance of all that is either explicitly taught or by necessary implication involved in the teachings of God’s Word upon this question. Nothing more fundamentally concerns the well-being of society than the relation of the man and the woman in the constitution of the family; and while, unfortunately, in our modern democratic communities, the Church may not be able always to control and determine the civil law in these matters, she can at least utterly refuse any compromise where the civil law ignores what God has spoken; and with unwavering firmness deny her sanction, in any way, to any connection between a man and a woman which is not according to the revealed will of God, as set before us in this most holy, good, and beneficent law.³⁶

If one accepts Winzer’s view that every single judicial law in the code of Israel is positivistic with no exceptions, then (in order to be consistent with his own position) he must argue that Jehovah judged the Canaanites for violating laws *that did not yet exist* because they were not yet revealed (remember, God gave these pagan nations four hundred years to build up merited wrath). This presents God’s judgment of the seven Canaanite nations as *arbitrary* and *unfair*, for they did not have the benefit of special revelation where these “positive” laws were recorded. In addition, if these laws were *positive* and *only applied to Israel*, there would be no just reason for God to judge these Gentile nations in the first place. The only biblical and logical solution to these objections is to acknowledge that the Canaanites were guilty of violating “natural law” or “the work of the law written in their hearts” (Rom. 2:15). This means that the judicial law of Israel contains many laws that are moral and perpetual. Remember, natural law is moral law. The Canaanites’ consciences bore witness against them, for deep down they knew they were violating the law of nature or the law of the Creator. They suppressed the truth in unrighteousness (Rom. 1:18, 25), but in their consciences they knew that God’s judgment was just (Rom. 2:15).

Fourth, if one adopts Winzer’s position, one must explain how the Christian civil magistrate is to distinguish between sins that are only sins (the unlawful behaviors that, if not repented of, can receive sanctions or discipline from the church); and sins that are also crimes (these crimes rise to the level where they are *also* punishable by the state). Winzer has essentially asked us to adopt a post-enlightenment, pluralistic, covenant-breaking position on the moral case

³⁵ S. H. Kellogg, *The Book of Leviticus* (New York: A. C. Armstrong and Son, 1901), 379.

³⁶ *Ibid*, 384-385.

laws. He has left us without detailed blueprints for an explicitly Christian commonwealth. He has (in essence) adopted the prelatical understanding of the law and civil authority, which guts the specifics of the law and trusts man to fill in the details himself. Such a concept essentially destroys the biblical view of the establishment principle and replaces it with a prelatical form of professing Christian statism. If you think I am exaggerating, keep in mind that Winzer says the whole judicial law is positive. It, according to Winzer, is *arbitrary*. It is *not moral* and *does not teach* binding, absolute or eternal principles of justice. Consequently, what God defines as a crime and the penalties that God Himself attached to various crimes can be completely ignored and replaced by the civil magistrate's own opinion on the matter. With a Ten Commandments only position, the civil magistrate must define for himself what is and is not a crime and must determine the severity of the punishments on his own. Keep in mind that the New Testament has little to nothing to say about penology. If Winzer attempts to circumvent this criticism by using the typical modern Presbyterian argument that we can glean certain general principles from the positive, arbitrary, expired judicial laws, he is being irrational and inconsistent. How do we glean moral teachings or teachings on justice from a non-ceremonial (ceremonial laws are positivistic, yet teach something important about Christ or sanctification through picture lessons which are mere shadows) positive laws that do not bind us in any way or apply to us in any way? The typical modern Presbyterian view is irrational nonsense.

This point is important, for if a professing Christian civil magistrate starts putting in place absurd statist laws (e.g., a man guilty of lust or improper thoughts is to pay a heavy fine and spend a year in a slave labor camp; anyone caught stealing will face a firing squad; etc.). Those who have adopted Winzer's position have no real or substantial biblical ammunition to oppose him. They can appeal to natural law, but without the specifics of God's moral case laws, which are perspicuous, the debate over the legitimacy of certain laws will quickly generate into the ruler's version or interpretation of natural law versus the opposition's. Since the ruler controls the police, military and the big guns, his position will win the day. Without the law of God's distinction between sins that are sins and sins that are crimes punishable by the state, on what basis does Winzer argue against modern hate-speech legislation, for example? If no appeal can be made to judicial laws, does he accept that such laws are proper? If not, does he appeal to some philosophy outside of Scripture (e.g., libertarianism)? Winzer unwittingly removes one of the Christian's greatest weapons against secular humanism and the idea that man is his own god, determining for himself what is good and what is evil. In addition, this position suffers from an incredible arrogance, for it presupposes that fallen man can flesh out and apply the Ten Commandments in as good or better a manner than Jehovah Himself speaking in His inspired, infallible word.

If one thinks that I am overstating my case in driving a Winzer's position to its logical absurdity, keep in mind that he describes his own position on the Confession as one of "radical discontinuity." Regarding 19:4 on the Law of God he writes, "The explicit proposition of the Confession together with the obvious meaning of the Scripture proofs leads to the conclusion that the Confession teaches a hermeneutic of radical discontinuity with respect to the Old

Testament judicial laws. Although the Confession qualifies this proposition to provide for an element of continuity in the general equity of these laws, the fact remains that the laws themselves are considered to have been discontinued as a result of the expansion of the covenant of grace to include nations other than Israel” (*TCP*, 68).

An Excursus on the Proof Texts of the Confession of Faith, 19:4

Since we have examined to a degree the implications of this position of “radical discontinuity,” let us pause for a moment and consider some of the proof texts from 19:4 that, according to Winzer, obviously support his position. In 1 Peter 2:13-14 we read, “Therefore submit yourselves to every ordinance of man for the Lord’s sake, whether to the king as supreme, or to governors, as to those who are sent by him for the punishment of evildoers and for the praise of those who do good.” Peter tells believers who live in a heathen nation to submit to the laws of the land. By this command does he mean every law, even laws that contradict the law of God? No. There are laws in every nation that largely correspond to special revelation due to natural law or “the work of the law written on the heart” (Rom. 2:15). For example, laws against stealing, murder, homosexuality, kidnapping and adultery. But, what about a law requiring an offering to Caesar as a god; or a law forbidding the public preaching of the gospel; or a law requiring monthly service at the local abortion clinic? In such circumstances, we must obey God rather than man (Acts 5:29). This passage proves that we are not under Israel as “a body politic” but does not forbid attempts by Christians to pass modern legislation based on Old Testament moral laws *outside* of the Ten Commandments (e.g., laws against homosexual behavior, bestiality, incest, sorcery, idolatry, witchcraft, etc.). Paul says that civil magistrates are ministers of God. They receive their authority from Him and are responsible to punish evil as defined by God and reward the good as defined by God.

The Confession also appeals to Matthew 5:17, 38-39: “Do not think that I came to destroy the Law or the Prophets. I did not come to destroy but to fulfill.... You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I tell you not to resist an evil person. But whoever slaps you on your right cheek, turn the other to him also.” A very common interpretation of Matthew 5:17 is that since Jesus discusses teaching and doing God’s law in the New Covenant administration and defends a series of moral laws in vs. 21-44, that Matthew 5:17ff only has in view *the moral law*.³⁷ This is a perfectly acceptable interpretation. (One does

³⁷ John Gill writes, “By *the law* is meant the moral law, as appears from the whole discourse following: this he came not to *destroy*, or loose men’s obligations to, as a rule of walk and conversation, but to *fulfil* it; which he did doctrinally, by setting it forth fully, and giving the true sense and meaning of it; and practically, by yielding perfect obedience to all its commands....” (*An Exposition of the New Testament*, 1:41). Matthew Poole essentially concurs, “It is manifest, by his following discourse, that he principally spoke of the moral law, though he also fulfilled the ceremonial law, he being the Antitype in whom all the types of that had their complement, and real fulfilling and accomplishing” (*Commentary on the Whole Bible* [Carlisle, PA: Banner of Truth, (1685) 1963], 3:22). Winzer has endorsed this interpretation and remarked that it was the interpretation of Puritans. (Another rather common interpretation was that Christ fulfilled the whole Old Testament; but that He fulfilled the ceremonial and moral laws, and prophecy in different manners. This view comes out in many Puritan *applications* of the passage. *Plerosai* is

not have to accept Bahnsen's interpretation of Matthew 5:17 to be a theonomist. I personally do not agree with his exegesis, even though his final conclusions with their many qualifications render his applications orthodox.) This raises the question, if we accept the position that Jesus is only upholding and defending the moral law, does this passage disprove theonomy? No. It actually strongly supports it. (The only person who believed it disproved theonomy would be someone who comes to the text with *the presupposition* that the moral law is only the Ten Commandments; that the moral law is not *summarily comprehended* in the Decalogue. That appears to be Winzer's position.)

If one carefully examines Matthew 5:19-44, he will see our Lord's own view on *Christians* as doers and teachers of the moral law. Verses 19-20 form an introduction to the section which follows, where the Savior gives example after example of how he upholds the moral law in opposition to the scribes and Pharisees. That Christ is only discussing the moral law can be inferred from the fact that He is discussing *how* He upholds the moral law in His teaching and He is describing *how* the moral law is to be obeyed *by His disciples*. His correctives to the Jewish perversions of the moral law in His day apply to the New Covenant era that He is about to introduce. The Redeemer discusses both teaching and doing after the cross; Christians are not to keep the ceremonial laws or any positive laws within the judicial code. That Jesus is discussing the moral law is proved by our Lord's statement about the consequences of keeping or breaking a *least* commandment in verse 19. (It is noteworthy that, to a first-century Jew, none of the Ten Commandments were regarded as "least" in the moral law. The common view [at least among second-century rabbis] was that the least commandment was the requirement to let a wild mother bird go when one takes its eggs [Deut. 22:6-7]. God teaches that a disregard of animal life or actions that endanger a species of animals, even birds, is immoral.) A person's obedience toward and teaching on the moral law as defined by Christ will determine his position in the Savior's kingdom.

In addition, the laws that our Lord vigorously upholds and defends will not pass away "until heaven and earth pass away" (v. 18). This refers to the distant future when Christ returns and ushers in the final state and the new heaven and earth. "Until that time arrives, however, nothing whatever will remain lacking as to fulfillment. God's program with respect to Christ, the church, mankind in general, and the universe, will be carried out in full (Isa. 40:8)."³⁸ Moreover, note that the Savior precedes His teaching on the moral law by stating that His disciples' righteousness must exceed the righteousness of the scribes and Pharisees (v. 20). The scribes and Pharisees were not righteous because they perverted the meaning of the moral law in order to make it comport with their human traditions and make it easier to keep. They perverted and

given a very broad interpretation. Although they interpret *plerosai* in a different manner than Bahnsen, their final conclusions are very similar. That is why Bahnsen can quote Calvin and others in support of his interpretation.) The important thing to keep in mind is that once Winzer accepts the common "moral law" *only* position, he has refuted his own contention that the moral law is *only* the Ten Commandments. This verse supports the contention that Jesus fulfills the whole Old Testament and that prophecy is fulfilled in a manner different than the moral law. Technically, the moral law will never pass away. It, however, becomes unnecessary as an external guide when we receive our perfect, glorified bodies that can never be tempted or commit sin.

³⁸ William Hendriksen, *The Gospel of Matthew*, 292.

reduced its full meaning to make it support their legalistic concepts of justification and sanctification. This also proves that the teaching in verses 21-44 applies to the New Covenant era.

Having demonstrated that in verses 21-44 Jesus is defending the moral law and that this law is binding on all as a rule of life during the New Covenant era, we need to see how our Lord defined this moral law which is perpetually binding. Does the Redeemer restrict the moral law to the Ten Commandments (which is Winzer's position), or does He also apply it to what theonomists refer to as *moral case laws* (the moral statutes and regulations outside the Decalogue that explain and apply each commandment to persons, families, churches and societies)? If it can be demonstrated that our Lord referred to laws outside the Ten Commandments that were part of Israel's judicial law or the Mosaic law in general, then Winzer's position has been refuted by Christ Himself.

In our Lord's teaching on the true meaning of God's moral law versus the Jewish traditions, He sets forth six antitheses. Each contains a contrast introduced by the formula (with minor variations): "You have heard that it was said of them of old time..." followed by, "But I say unto you..." The expressions "you have heard that it was said by them of old time" (vs. 21, 27, 33) or "it has been said" (v. 31) is never used by Jesus when referring to Scripture. When the Redeemer quoted from the Bible or the Mosaic law, He would say "it is written" (Gk. *gegraptai*, meaning literally, "it stands written" [e.g., Mt. 4:4, 7; Lk. 2:23; 4:4; etc.]). If He was referring only to the law He would sometimes say "Moses commanded" (Mt. 8:4). The statement "it was said by them of old time (KJV)" or "to those of old" (NKJV) refers to the teachings of the rabbis of antiquity (i.e. the so-called "fathers of antiquity"). The Jewish audience to whom the Savior was speaking would have immediately understood His statement to be a reference to *the scribal traditions*. This view is confirmed in the contrasts themselves, where the teachings Jesus is refuting and correcting clearly have nothing to do with the enscripturated Old Testament laws. (In general, the Jewish religious establishment was trying to reduce the challenge of the moral laws or relax the rigor and full meaning of the commandments so the commandments would be less exacting to fit into their paradigm of legalism.)

In each of the antitheses, Christ introduces the correct doctrine with the statement, "But I say to you..." (22, 28, 32, 34, 39, 44). This statement is crucial to this whole section because the formula points us to the unparalleled authority of the Son of God. He speaks with an authority infinitely greater than the religious teachers in Israel, for He is the Theanthropic Mediator, the God-man, Jehovah incarnate. The very giver of the law Himself was now correcting the erroneous interpretations, conclusions and additions to His own law. Therefore, if Jesus says that the moral case laws outside the Ten Commandments bind us in the New Covenant era, we must accept what He says without exception or equivocation. In the first antithesis, our Lord focuses His attention on the scribes' and Pharisees' understanding of the sixth commandment. The statement, "You shall not murder, and whoever murders will be in danger of the judgment" (v. 21), by itself does not sound that bad. This statement seems to be the sixth commandment combined with an allusion to Deuteronomy 35:30: "Whoever kills a person shall be put to death

on the testimony of witnesses...”). However, in Jesus’ discussion of this scribal interpretation, we will see that the scribes and Pharisees were restricting the application of this commandment to the external deed of homicide alone. In other words, the only people who were guilty of murder were those who actually went out and killed someone. Thus, according to this view, as long as we have not stabbed, shot or beaten our neighbor to death, then we have perfectly obeyed the sixth commandment. In fact, if this is our view, then we could say that violations of the sixth commandment are indeed very rare.

Jesus then goes on to explain that the sixth commandment also forbids unjust anger (hatred, bitterness) and hurling insults at another person (v. 22). Our Lord insists that in cases where a brother has something against another or is experiencing inner anger or resentment toward a brother, he must approach his brother and confront him nouthetically in order to achieve reconciliation. Christ internalizes the Ten Commandments and teaches that the violation of the commandments begins in the heart. Our Lord expects the scribes and Pharisees to know this and chides them for their external understanding of the law. This raises the question, why does the Savior expect the religious establishment to understand the sixth commandment in this comprehensive manner? Were they supposed to know this from a careful study of natural law? No! This teaching comes from the moral case laws. For example, in Leviticus 19:16-18 we read, “You shall not go about as a talebearer among your people; nor shall you take a stand against the life of your neighbor: I am the LORD. You shall not hate your brother in your heart. You shall surely rebuke your neighbor, and not bear sin because of him. You shall not take vengeance, nor bear any grudge against the children of your people, but you shall love your neighbor as yourself: I am the LORD.” Instead of hatred, gossip, and meddling with a neighbor verbally, one must throw away the dagger of inner hate and speak to the person face-to-face to achieve reconciliation and stop oneself and the other person from sinning. We must keep in mind that Jesus is not giving new teaching that opposes or adds to the moral law. He is setting forth the full meaning of it and upholding the moral law.

In the third antithesis, Jesus corrects the teaching of the scribes and Pharisees on the moral case law regarding divorce. (Here He continues His teaching on the proper interpretation and application of the seventh commandment.) Instead of dealing with lust, which is a sin of the heart, He corrects a sinful deed: the divorcing of a wife for any cause. Most of the religious establishment interpreted Deuteronomy 24:1-4 as permitting easy divorce. It all boiled down to one’s interpretation of the expression “found some uncleanness in her.” Many interpreted the word uncleanness (*dabar*) as referring to anything the man found undesirable (e.g., burnt toast, being overweight or old, etc.). Our Lord corrected the false interpretation of this *moral case law* by noting that *erwat dabar* (“some indecency” or “some uncleanness”) refers to fornication or adultery. Although the precise meaning of the phrase *erwat dabar* translated as “some indecency,” “some uncleanness,” “something indecent” is difficult, it refers to sexual perversion, fornication or adultery for the following reasons. First, the phrase literally means “nakedness of a thing” or “a naked matter.” “The word uncleanness of a thing definitely implies a serious offense; it is used elsewhere of the shameful exposure of the body (Gen. 9:22; Ex. 20:26; Lam.

1:8; Ezek. 16:36, 37), in Leviticus 18 of illicit and abnormal sexual practices, and in Deuteronomy 23:14 for human excrement.”³⁹ Thus, this term would be perfect for describing sexual immorality. It would be an inappropriate expression to describe not being able to bear children or to designate a non-sexual offense. Second, the term nakedness is used as a metaphor for sexual intercourse twenty-three times in Leviticus 18 which deals specifically with forbidden sexual relationships. Indeed, this chapter is a catalogue of sexual sins. Third, the language used in Deuteronomy 24:4, “defiled,” clearly suggests a sexual offense of some kind. Fourth, if Deuteronomy is allowing divorce only for a serious sexual violation on the part of the wife, then we have a complete harmony between God’s law and the Redeemer’s exception clause in Matthew 5:32 and 19:9. This point is important when we consider the fact that our Lord is not refuting, correcting or adding to the law in the Sermon on the Mount, but is giving the true meaning against scribal perversions. Therefore, Deuteronomy 24:1 does not justify divorce for any cause.

Those who reject the view that sexual immorality or adultery were in mind, do so on the basis that adultery was a death penalty offense. Thus they argue that the death penalty rendered divorce in such circumstances unnecessary. The problem with this view, which is common, is that it does not take into account the fact that there are instances when adultery is known to have taken place, but cannot be proven in a court of law. Jewish courts needed two or three witnesses to get a conviction and this was not always easy. For example, the woman caught in adultery in John 8 could not have been lawfully convicted under biblical law because the witnesses were corrupt, unqualified and thus disqualified (cf. Jn. 8:7-9). Further, it seems that, in the case of adultery, *the death penalty was the maximum penalty under the law*. Proverbs 6:35 speaks of the husband who refuses monetary recompense from the man who committed adultery with his wife. And there is the case of godly Joseph who, after discovering Mary was pregnant, “and not wanting to make her a public example, was minded to put her away secretly” (Mt. 1:18). Deuteronomy 24:1 teaches that a man who knows that his wife is committing adultery, but who does not have sufficient evidence for a civil trial, or who does not want to go through a trial, is free to divorce his unfaithful wife. However, once he does so, if she chooses a course of habitual adultery by marrying another man, he can never take her back. She is defiled before God.

The whole point in discussing the third antithesis is that in Christ’s teaching we have indisputable proof that *Jesus upheld an Old Testament moral case law in the judicial code and applied it to the New Covenant kingdom of God*. Let us summarize our reasoning so that those who stubbornly hold to a Ten Commandments *only* position will not miss it. Note the following observations. First, we noted that many Puritans, Reformed expositors and Winzer himself hold to the position that Matthew 5:17 refers to the Savior’s fulfilling of *the moral law*. Second, we saw that the Redeemer’s teaching in Matthew 5:17ff applies to the New Covenant era. This is the standard interpretation of the Puritans and Reformed expositors. Third, we discussed the fact that our Lord is *not* setting forth a new or different ethic than the Old Testament, for such a view would explicitly contradict the context. Jesus did not come to abrogate, annul or replace the Old

³⁹ Rousas John Rushdoony, *The Institutes of Biblical Law*, 405.

Testament moral law, but to *fulfill* it. Fourth, we demonstrated that Christ's refutation of the scribes' and Pharisees' reduction of the sixth commandment presupposes that the sixth commandment is further defined, explained or fleshed out by the moral case laws related to murder. We also noted that in the third antithesis, our Lord refutes an erroneous interpretation of Leviticus 24:1. This point is acknowledged by all Reformed expositors. If the Savior defends the correct view of Leviticus 24:1ff (which is a moral case law in the judicial code) while he is discussing how His own disciples' righteousness must exceed the righteousness of the scribes and Pharisees, then He is upholding a specific moral case law in conjunction with Matthew 5:17. The Ten Commandments only position has been refuted by Jesus Himself. In addition, the idea that all the judicial laws without exception have expired but we may be able to learn a few general principles from these expired (non-binding) laws is also refuted. In the third antithesis, the Savior is not arguing over general principles but over the meaning of *one Hebrew word*. He was defending the *specific teaching* of Leviticus 24:1 so his disciples' righteousness would exceed the righteousness of the scribes and Pharisees who had watered down and perverted the meaning of this *one word*.

In the fourth antithesis (Mt. 5:33-3017; cf. 23:16-22), Jesus defends moral case laws in the judicial code relating to oaths (cf. Ex. 22:10, 11; Lev. 6:3; Num. 5:11-28). Oaths were used in civil courts, cases of suspicion of adultery and are certainly implied in the marriage covenant, the sacraments and church membership. The taking of oaths is related to both the third and ninth commandments. The scribes and Pharisees had attached different arbitrary formulas to oaths so that their promises could later be broken. Our Lord counters by essentially teaching His disciples not to make *these kinds* of oaths at all (i.e. the phony oaths of the rabbis). Christians are to be totally honest and not to make oaths over trivial matters. According to the context, our Lord was correcting the scribes' and Pharisees' perversion of the moral law in the Mosaic code, not natural law. Therefore, the laws relating to oaths in the judicial code are moral and applied to the New Covenant era. Dispensationalists are aware that the Sermon on the Mount contradicts their position, so classical dispensationalists arbitrarily assign Jesus' teaching here to the Jewish expression of the kingdom, but not to the church.⁴⁰ Winzer seems to be unaware that it explicitly contradicts his position.

⁴⁰ According to the classical dispensational view, the sermon is not directed to Christians or the church of Christ (which is a parenthesis in God's plan), but rather to the Jews only and those living in the future Jewish theocratic kingdom during the coming millennium. It is argued that this sermon presupposes the doctrine of repentance, which old-style dispensationalists argue is a distinctly Jewish or legal doctrine. They argue that the dispensation of grace is unconditional and thus repentance as a requirement is contrary to the Christian faith. In support of this idea they point to the petition in the Lord's prayer which says, "Forgive us our debts, as we forgive our debtors" (Mt. 6:12). They argue that this prayer must be for the "kingdom age" and not the church because it rests upon personal obedience or a legal ground. Thus, old-fashioned dispensationalists do not use the Lord's prayer in private or public worship at all. The Scofield Reference Bible says, "Under law forgiveness is conditioned upon a like spirit in us; under grace, we are forgiven for Christ's sake, and exhorted to forgive because we have been forgiven" (1002). One dispensationalist author has written that "the so-called 'Lord's Prayer,' is 'a prayer that has no more place in the Christian Church than the thunders of Sinai, or the offerings of Leviticus'" (Haldeman, *How to Study the Bible*, 140, as quoted in Oswald T. Allis, *Prophecy and the Church* [Philadelphia, PA: Presbyterian and Reformed, 1945, 47], 295). The dispensationalist teaches that the Sermon on the Mount has nothing to do with us; therefore, it can be ignored.

The fifth antithesis which gives us Christ's teaching on *personal retaliation* is used as a proof text for the Confession's teaching on the civil magistrate (19:4). I am not sure why it is used, but let us assume for a moment that some of the divines believed it was a good proof text that some of the penalties or the general teaching of the *lex talionis*⁴¹ (this Latin phrase means "law of retaliation") had "expired." If that is why this passage is referenced, we need to ask ourselves: Is that a legitimate or biblical interpretation of this section of the Sermon on the Mount? The answer is, absolutely not! In this antithesis, the Savior turns His attention to another abuse of a judicial law. As the Jews at that time were abusing the moral case laws regarding murder (e.g., hatred), divorce and oaths, they had also misconstrued the "eye for an eye," "tooth for a tooth" principle regarding restitution and civil penalties. They had taken a just law (Deut. 4:7-8) (that *the penalty must fit the crime*, that the penalty must be *applied in criminal cases* under the direct supervision of the civil magistrate [the judges in Israel]); and made it a justification for carrying out *personal revenge* and vendettas against those who had offended them.

As we examine this section of the Sermon on the Mount, we need to remind ourselves that in this passage, Jesus is not announcing a higher standard of ethics or jurisprudence than Moses. He is not introducing something new which is more spiritual and merciful than was required under the Old Covenant administration. Rather, once again, He is correcting a gross, false interpretation and abuse of the original intent of God's holy law. "He continues the same course as He had followed in the context, namely to define that righteousness demanded of His followers, which was more excellent than the one taught and practiced by the scribes and Pharisees; and this He does by exposing their error and expounding the spirituality of the moral law."⁴² It would be irrational and a gross violation of the context to have Jesus say that I have *not* come to abrogate the law but now I am abrogating a portion of it and replacing it with My own new teaching. Remember also, that our Lord is telling the disciples how their righteousness must exceed the righteousness of the scribes and Pharisees (v. 20). The Savior does not have an ax to grind against the moral case laws that He wrote and instituted. He is correcting human perversions of the law. How were the scribes and Pharisees twisting the *lex talionis* and thus violating God's law?

As noted, they were using a biblical law given for *civil courts* (e.g., see Deut. 19:17-18 where the parties in the dispute stand before "the priests and judges who are in office in those days") as a "biblical" proof text to exact *personal retribution*. The *lex talionis* was put in place

⁴¹ The English word, "retaliate," originated from the same Roman root word for "*talionis*." Unfortunately, the modern usage of the word "retaliation" is more narrow than the older English usage and retaliation is now *only* associated with revenge, getting even or returning evil for evil. Thus, many scholars, commentators and pastors view the principle of *lex talionis* as primitive and barbaric. But according to the earlier usage of the word, it "conveyed a broader meaning" *to pay back or return in kind*, including good will" (Gary North, *Tools of Dominion: The Case Laws of Exodus* [Tyler, TX: Institute for Christian Economics, 1990], 387). The point of this statute was that the penalty must fit the crime; that justice must be applied in the same manner to all. The Jews had taken a law for the judges of Israel, illegitimately applied it to personal vendettas and were not applying the principle equally to all. They perverted the original intent of this law in virtually every possible way.

⁴² Arthur W. Pink, *An Exposition of the Sermon on the Mount* (Grand Rapids: Baker, 1950, 53), 109.

by God to establish justice in penology. It was designed to make sure a proper, just, or equitable punishment was meted out by the authorities that fit the crime. It restrained the victim or family members (who were likely full of wrath) from imposing their own arbitrary penalty, which due to anger and a desire for revenge, would be out of proportion to the crime. (The judges, after considering all the evidence, would determine the appropriate penalty and restitution according to Scripture in consultation with the victims.) It also restrained the civil magistrate so that officers of the state do not overstep their authority and impose sanctions that are unjust (i.e. either too lenient or too harsh). They took the law of just retribution and equitable restitution and turned it into a tool to get even. Many Jews believed this law gave them the right and even a duty to punch someone in the face who had slapped them. Thus, the very law designed to completely remove personal vendettas from society had been turned upside down by the rabbis. What was supposed to bring justice and order had been twisted to justify personal violence and disorder.

This interpretation is proved by Jesus' corrective teaching on this matter, for He says that in our *personal relationships* our duty is not to seek revenge or retaliate: "But I tell you not to resist an evil person. But whoever slaps you on the right cheek, turn the other to him also..." (Mt. 5:39). To a Jew, a slap on the right cheek was equated *not* with attempted murder or dangerous violence but with a *personal insult*. Our Lord is *not* teaching us to allow robbers with guns to roam freely or to open up our borders to Hitler's *Wehrmacht*. Rather, he is teaching Christians to bear insults patiently without seeking retaliation. This has nothing whatsoever to do with the civil magistrate's use of force to fight crime, or the prosecution of a just war, or *the proper method of punishing criminals* lawfully convicted of a crime. To argue that Jesus is setting aside the *lex talionis* in the Mosaic law in order for us to follow a "kinder, gentler" system of justice in penology completely ignores the whole immediate and broader context.

In addition, note that we find this same teaching in Paul's inspired writings:

Repay no one evil for evil. Have regard for good things in the sight of all men. If it is possible, as much as depends on you, live peaceably with all men. Beloved, do not avenge yourselves but rather give place to wrath; for it is written, "Vengeance is Mine, I will repay" Therefore "If your enemy is hungry, feed him; if he is thirsty, give him a drink; for in doing so you will heap coals of fire on his head." Do not be overcome by evil, but overcome evil with good (Rom. 12:17-21).

Both Christ and Paul are not rejecting the moral case law on civil justice and penology but are upholding Old Testament ethics which flow from the moral case laws (e.g., "You shall not take vengeance, nor bear any grudge against the children of your people, but you shall love your neighbor as yourself: I am the LORD"; Lev. 19:18); and Solomon's inspired application of those laws (e.g., "Do not say, 'I will do to him just as he has done to me; I will render to the man according to his work'"; Prov. 24:29). Any other interpretation is exegetically untenable and a perversion of this text.

In the sixth and final antithesis, Jesus makes a statement that both sets forth the positive side of the previous antithesis on non-retaliation and also serves as a climax to all the other antitheses. Christ gives the proper interpretation of Leviticus 19:18 on the law of love to our

neighbors, which summarizes our whole moral duty toward man. Since we have discussed this commandment above, we will only note two things. (1) This moral commandment outside of the Decalogue still applies to the New Covenant church; and, (2) note how our Lord seamlessly moves back and forth between laws that are clearly civil yet moral in content and laws that are moral that have no civil sanctions.

Winzer's position that the Confession holds to "a hermeneutic of radical discontinuity" when it comes to the whole judicial law, even those laws that are obviously moral in content, was explicitly rejected by our Lord Jesus Christ in His longest discourse in Scripture, a sermon focused mainly on how believers are to regard the Old Testament moral law and live their lives. The radical discipleship and commitment to personal obedience, which are the focus of this sermon, are fundamental to what it means to be a Christian. Jesus expects and demands that all believers are to live in terms of this message which upholds and teaches many moral case laws outside of the Ten Commandments. The sermon is primarily concerned with Christian sanctification. The coming of the New Covenant administration does not involve a relaxation of any of the Old Testament moral laws—even those that deal with civil matters, justice and penology. Our Lord calls upon us to manifest the characteristics of holiness: internally, privately, publicly, outwardly and socially. Winzer has adopted a position that cannot be defended exegetically. This may explain his complete lack of exegesis in his critique of theonomy. If one adopts the view that only the Ten Commandments are the moral law and all judicial laws are positivistic and expired, then one must explain the New Testament's direct appeal to these laws as binding and authoritative in the New Covenant era.

Winzer's Perversion of the General Equity Clause

After examining Winzer's view of radical discontinuity in his teaching that *only* the Ten Commandments are moral law and *all* the judicial laws are positive and thus have expired; it will be interesting to see how he deals with the general equity clause which teaches that some judicial laws are moral and thus are universal and perpetual. (Therefore, they are binding in that New Covenant era.) In order to understand Winzer's position let us look at the following quotes from his article:

At this point it is natural to ask what might be meant by the qualification, "further than the general equity thereof may require" (*WCF* 19.4). Does this qualification breathe new life into the expired judicial laws so as to make them binding on modern nations, or does it simply indicate that these laws function like the rest of biblical revelation to teach "what man is to believe concerning God, and what duty God requires of man" (*LC* 5, *SC* 3)? An examination of the writings of the Westminster divines will demonstrate that the latter answer is the correct one – that it is not the law *as law* which is binding, but the law *as teaching* which requires a process of interpretation and application....

That this is the proper sense of equity as used by the Confession can be deduced from the chronology, where the adjectives *moral* ("Chronology," 11, 22, 26, 34, 36, 53, 54) and *natural*

(12) are used to qualify the word. There is also the synonymous use of *right* (9), *substance* (31, 54), and *reason* (32, 46). This terminology points to the fact that the divines did not think of equity in terms of the legal nature of the judicial law, but were looking through the law to discover what natural, moral, and rational principles it taught...

So “equity” looks beyond the letter of the law to discover the moral principles lying behind it, and the adjective “general” limits the equity to those judicial laws which address the moral situation of all nations and not just the particular conditions of Israel (*TCP* 70, 71).

According to Winzer the general equity clause basically teaches that, although every single judicial law has expired, there are things to learn from them like any other portion of Scripture. He has three main conclusions regarding this clause concerning the judicial laws: (1) *As law* they are not binding at all. It is only the teaching of these passages which we must interpret and apply. (2) The general equity clause teaches that *the legal nature* of the judicial law *no longer applies*. We must not go to the judicial law as a basis for our laws today and we must certainly not use the penalties of the judicial laws. (3) There are, however, “moral principles lying behind” some of the judicial laws “which address the moral situation of all nations and not just the particular conditions of Israel.” Apparently, we can appeal to the underlying moral principles as teaching but not as law; and *not* in order to form judicial laws or penalties today. Winzer has essentially given us the modern antiestablishment principle, pluralistic understanding of the Confession that we find in most Presbyterian churches today. There are a number of things to note regarding Winzer’s analysis.

Note that it *explicitly* contradicts his earlier teaching that the whole judicial law is not moral but positive. As Winzer goes on to analyze statements of the Puritans or early Presbyterians as to the meaning of “general equity” (*TCP* 71), he proves that there are judicial laws that are moral and perpetual. Using the teachings of the Puritans and early Presbyterians, Winzer will note that they define general or common equity in three ways that demonstrate that such laws are not just for Israel but are for all nations.

1. General Equity Means a Law Is Natural

Noting that “general equity is natural” or “grounded on the law of nature,” Winzer quotes from John Sedgwick, Alexander Henderson and Francis Cheynell. Sedgwick says that “common equity...was grounded on the Law of Nature” (*TCP*, 9, 71). Henderson notes that “common equity” is “written in the heart of man by nature” (*TCP*, 12, 71). Cheynell points out the law’s agreement “to the dictates of nature.” Winzer concludes this point by quoting the 19th century Presbyterian scholar Robert Shaw who says general equity is “found in the law of nature, and to all nations.”⁴³

When someone says that there are judicial laws that are natural or found in the law of nature, it is to say that these laws are part of the fabric of man’s being as created in God’s image

⁴³ Robert Shaw, *An Exposition of the Confession of Faith of the Westminster Assembly of Divines* (Philadelphia, PA: Presbyterian Board of Publication, 1846), 225.

and that are moral and perpetual. Natural law is moral law. The great Puritan scholar William Perkins noted that “common” or “general” equity continued to bind men in the New Covenant era because they were made “according to the law or instinct of nature, and to all men: and these in respect of their substance, bind the consciences not only of the Jews but also of the Gentiles.”⁴⁴ This explains how God Himself could apply Leviticus 18 to the Canaanite nations. Then, sounding much like a modern theologian, he says that a good way to tell if a judicial law is moral is if “it serve[d] directly to explain and confirm any of the ten precepts of the Decalogue: or if it serve[d] directly to maintain and uphold any of the three estates, of the family, the common wealth, the church.”⁴⁵ As an example of a judicial law that is moral and perpetual, Perkins appeals to Deuteronomy 22:5 which forbids men from dressing like women and women from dressing like men. He says, “This law, is more than judicial: for it is a Rule of common honesty [uprightness or righteousness]: practiced in those countries, by the light of nature, where the written law [i.e. special revelation] was never known.”⁴⁶ Many of the Second Reformation Puritans and Presbyterians sound like modern theologians when they teach that the laws of general equity (what theologians call moral case laws) explain and protect the Ten Commandments and make natural or moral law more effective in society.

2. General Equity Means a Law Is Moral

Winzer, in discussing the Puritans, also says “general equity is *moral*, that is, it confirms [i.e. establishes] the ten commandments” (*TCP*, 71). This makes sense, for equity means that which is *fair*, *just* or *right*. Webster’s unabridged dictionary defines equity as: “1. justice, impartiality.... 2. anything that is fair or equitable.... Syn.–justice, fairness, right, impartiality, honesty, uprightness.”⁴⁷ This dictionary quotes the Authorized Version’s translation of Psalm 98:9 which sets the words “righteousness” and “equity” in a poetic parallel: “With righteousness shall he judge the world, and the people with equity.”⁴⁸ Winzer quotes William Gouge who says, “That which we account Moral, and to have perpetual equity, is the substance of the Law” (*Sabbath’s Sanctification*, 27). As soon as anyone concedes that general or common⁴⁹ equity refers to laws or content in the judicial code that are moral (and thus universal and perpetual), one has adopted the central thesis of theonomy. Winzer seems to be completely unaware that this

⁴⁴ William Perkins, *A Discourse of Conscience* (Cambridge: John Legate, 1596), 12, 13.

⁴⁵ *Ibid*, 13.

⁴⁶ *Ibid*.

⁴⁷ *Webster’s New Twentieth Century Dictionary of the English Language, Unabridged Dictionary*, Second Edition (New York: William Collins and World Pub., 1975, 77, 78), 618.

⁴⁸ *Ibid*.

⁴⁹ The Puritans and early Presbyterians used the words “general” or “common” (as in “general” or “common equity”) as synonymous. The word “general” in the Confession does *not* mean “without specific details” but “with reference to all.” *General equity means justice or righteousness that applies to the whole world, both Jews and Gentiles*. The “general equity” in the judicial law obviously means that there are laws within the judicial code that are moral and universal. Francis Turretin (1623-1687) says that they are laws “have common and universal right, founded upon the law of nature common to all” (*Institutes of Elentic Theology*, trans. G. M. Geiger, ed. J. T. Dennison [Philipsburg, NJ: P&R, 1994], 2:166).

teaching explicitly contradicts his earlier Ten Commandments only position and his absurd contention that all laws outside of the Decalogue are positive law. Perhaps Winzer thinks that he escapes this contradiction by appealing not to specific laws but only “teachings” or “general principles behind the commands.” This kind of argument does not work, for the Puritans and early Presbyterians often quoted and applied specific judicial laws. In dealing with Romanism, idolatry, heresies and other perversions, they quoted judicial laws and insisted they were moral and binding. Perkins writes, “Again judicial laws, so far forth as they have in them the general or common equity of the law of nature are moral and therefore binding in conscience, as the moral law.”⁵⁰ Thus Thomas Cartwright taught that “there are certain Judicial laws which cannot be changed, as that a blasphemers, contemptuous, and stubborn Idolater etc. ought to be put to death.”⁵¹

If Winzer did not have an ax to grind against theonomy, perhaps he would have acknowledged the fact that the Puritans and early Presbyterians made a distinction between judicial laws that only applied to the Jews, often referred to as “properly judicial,” and laws within the judicial code that were moral and universal. For example, when discussing the judicial law in their book *Sabbatum Redivivum: or the Christian Sabbath Vindicated*, the Westminster divines Daniel Cawdry and Herbert Palmer make a clear distinction between judicial laws that applied only to Israel and were temporary and judicial laws that were moral and permanent. It reads, “So then we esteem those properly Judicials, which between man and man were relatives [i.e. related to, connected with] to the land of Canaan, and expectation of the Messiah. And all other[s], (not such, nor ceremonial as before) we esteem moral” (TCP, 28). William Ames notes the same distinction: “Those Laws were properly termed Judicial; which being not Ceremonial, had singular respect to the people of the Jews, so that the whole reason and ground of them, was constituted in some particular condition of that nation.... Those Laws therefore which are usually reckoned among the Judicial, and yet in their nature bear no single respect to the condition of the Jews more than any other people. Those are all of the Moral and Natural Law, which are common to all nations.”⁵²

⁵⁰ William Perkins, *A Discourse of Conscience*, 18.

⁵¹ Thomas Cartwright, *The Second Replie of Thomas Cartwright: Agaynst Maister Doctor Whitgift's second answer touching the Church Discipline* (1575), 97.

⁵² William Ames, *Conscience with the Power and Cases Thereof* (1639 reprint, Puritan Reprints, 2010), 109; as quoted in *Understanding the Confession...*, 7. Ames describes the judicial laws that are moral and universal as extensions or appendices (i.e. an explanatory supplement) of the Ten Commandments. Because they are moral they are one with the Decalogue: “For God would have his Law guarded with such kind of injunctions as with bounds to keep men off from more heinous sins. Now as the bounds and wall which defended the house was reckoned as one with the house, so these appendixes to the commandments make but one Decalogue (Ibid, 109). As quoted in *Understanding the Confession*, 10). Herbert Palmer in *The Glasse of God's Providence* (London: 1644) warns us not to simply reject the whole judicial law in a dispensational manner. Under a section entitled “General Rule about Laws in the Word” he writes, “That whatsoever Law of GOD, or Command of His, we find recorded in the Lawbook, in either of the Volumes of GOD's Statute, the *N. T.* Or the Old, Remains obligatory to us, unless we can prove it to be expired, or repealed. So it is with the Statute-Law of this Nation, or of any Nation; What I can prove to be *once enacted*, I may urge as *still in force*, unless any one can answer me with a just proof that it is *now out of date*, or *Repealed by a latter Law*” (TCP, 13). This quote sounds very similar to Greg Bahnsen. Note, while it is easy to prove that civil laws peculiar to the Jews have expired with the covenant nation, it is *impossible* to prove that

Note that this is precisely what John Sedgwick (who served on the first committee of the Westminster Assembly) said in his *Antinomianism Anatomized...* (London: 1643) page 7: “This Law concerned the Jews not simply, as men, but as Jews; the National, personal, or particular binding right of this Law rested so in them, that it died with the decay of their Common-wealth: only the common equity or right hereof remaineth as far as it was grounded on the Law of Nature, served directly to confirm any of the Ten Commandments, or to uphold the good of Family, Church, or Common-wealth, it is still in force, and of good use...” (*TCP*, 8). When Sedgwick says it is grounded in the law of nature, he means that it was part of the moral law originally placed in man before the fall that directed his conscience. When he says “confirm the Ten Commandments” he means establish, uphold or reaffirm something already established. This is an explicit acknowledgment that there are moral case laws that explicate the Ten Commandments. William Reyner in a sermon delivered at Westminster entitled, “Babylon’s ruining-earthquake and the restoration of Zion,” in 1644 adopted the theonomic position on the penalties when he said, “This duty is principally incumbent upon the magistrate, who is to execute judgment of the Lord, not arbitrarily as himself pleaseth; but according to the rule of the Word, both for matter and manner” (*TCP*, 14).

The Westminster divines recognized this distinction between laws “properly judicial” (or laws particularly made for Israel” and judicial laws that are moral and universal, for they deliberately changed the original wording of the ninth proposition of the seventh article of the Thirty-Nine Articles to reflect this distinction: “*Original*: Although the law given from God by Moses, as touching ceremonies and rites, do not bind Christian men; for the civil precepts thereof ought of necessity to be received in any commonwealth.... *Westminster Assembly’s Revision*. Although the law given from God by Moses, as touching ceremonies and rites, do not bind Christians; or the civil precepts given by Moses, such as were peculiarly fitted to the commonwealth of the Jews, are as necessity to be received in any Commonwealth (Acts 25:9, 10, 25 with Deut. 17:8-13. Rom. 13:1, 5. Tit. 3:1. 1 Pet. 2:13, 14)...” (*TCP*, 8). The word *peculiarly* means that there were some laws in the judicial law that applied only to the Jews in exclusion of other peoples or nations. The use of this word assumes that there are laws within the judicial code that did not apply only to the Jews but to all nations (cf. Deut. 4:8-9). If this was not the thinking of the Westminster divines, then they would have had absolutely no reason whatsoever to revise the seventh article in this manner.

If we keep in mind the careful distinction made by the Puritans and Second Reformation Presbyterians between judicial laws labeled “properly judicial” or qualified by “peculiar to Israel,” we will understand how these brilliant men could speak of the “abrogation,” “expiration,” “ceasing” or “repealing” of the judicial law and then in the same book or sermon argue vehemently for the moral nature and universal application of specific judicial laws, including the penalties.⁵³ One essentially has only two options, given the evidence. One can

moral case laws (i.e. laws regarding murder, violence, theft, adultery, fornication, homosexuality, bestiality, kidnapping, rape, etc.) and non-expired positive laws (e.g., certain forms of incest) have expired.

⁵³ One could multiply examples to prove our contention. For example Thomas Hall writes, “Some judicial precepts are *Juris communis*, of common equity, such as are agreeable to the Instinct and law of nature, common to all men;

argue that the Westminster divines and their contemporaries were irrational and inconsistent to an amazing degree or one can acknowledge the use of two different categories of judicial laws that if not carefully examined in context are confusing to modern readers.⁵⁴ The latter option is the only one that makes sense especially considering the fact that George Gillespie held to a position on the moral case laws and their penalties (in the judicial code) in his writings which is virtually identical to modern theonomy and yet not only served at the Westminster Assembly but was appointed the moderator of the General Assembly in 1647 (in other words, his views were known publicly). Gillespie could not get ordained in the modern Free Church and logically would be considered unconfessional by Winzer, yet was honored for his views by his contemporaries. Keep in mind that many of Winzer's objections against theonomy could be leveled at George Gillespie, one of the greatest scholars among Presbyterian churchmen of the Second Reformation period.

3. General Equity Means a Law Is Rational and Right

In analyzing the Puritans and early Presbyterians, Winzer notes a third thing about general equity that identifies it as moral and perpetual. He writes,

Thirdly, general equity is *rational*; there is *reason* for it, which makes it *right*. It is not simply binding because God made it a law to govern national Israel, but it is seen to apply to all nations because reason requires it. Daniel Cawdrey and Herbert Palmer say of an expired law, "if the reason of it should, or could, be revived, so would the Law be in like sort" ("Chronology," 29). Jeremiah Burroughs speaks of the judicial laws as binding in regard to the "common reason and equity in them" (32), and concerns "common equity" on the basis that "there is a necessity of it is truly now as there was then" (33). Francis Cheynell refers to moral equity as "a reason given which is of general and perpetual equity" ("Chronology," 53). As A. A. Hodge writes, "a careful examination of the reason of the law will afford us good ground of judgment as to its perpetuity" [*A Commentary on the Confession of Faith* (London: T. Nelson and Sons, 1870), 255].

General equity, therefore, is that natural, moral, and rational justice which applies to all nations. The bare existence of the divine law to regulate the Society of Israel does not suffice to make it obliging. One must ask the questions, is it grounded on the law of nature? Does it explain the morality of the ten commandments? And is there reason for its permanent

and these for substance bind all persons, both Jews and Gentiles; as being Moral, and so agreeing with the Moral Law. These judicial precepts which were *Juris particularis*, of particular equity, such as pertained especially to the Jews common-wealth, and were fitted for them and their time, are now abolished. E.g., that a man should marry with none but his own stock; That the brother should raise up seed to his Brother, and that a Thief should restore four-fold, this was peculiar to the Jewish Common-wealth and not to ours" (*A Practical and Polemical Commentary, Or Exposition upon the Third and Forth Chapters of the Letter Epistle of St. Paul to Timothy* [London: Printed by E. A. Tyler for John Starkey, 1658], 227).

⁵⁴ Note James Durham's distinction, "The *judicial* law is for regulating outward society, and for government, and generally (excepting what was peculiar to the people of Israel) agrees with the moral law" (*The Ten Commandments*, 55).

application? Only once this process has been followed is it possible to speak of the *morality* and *perpetuity* of the law which is outside the ten commandments (*TCP*, 71).

In accord with the Puritans and Second Reformation Presbyterians, Winzer tells us that if a particular law is natural (i.e. it is founded on the law of nature), moral (i.e. it is based on God's nature and character and therefore is not positive or arbitrary but intrinsically moral in content) or rational (i.e. it is right and necessary and thus there is a good reason for it [e.g., it restrains wickedness, debauchery and crime in society]), then it is perpetual and binding on nations outside of Israel. So far, so good. With this kind of analysis, Windsor has proved the essential or core teaching of theonomy.

Note, however, that after proving that the Puritans and early Presbyterians believed that some of the judicial laws are binding due to "common" or "general equity" which means that a law is natural, moral and rational, he contradicts his own analysis by asserting that: a) all the judicial laws have expired; b) the general equity clause does not justify the use of specific laws but only applies to the whole judicial law in a general manner; and c) the civil magistrate may or may not make use of these laws. Winzer writes,

How does this compare with the theonomic interpretation of general equity? As explained by Martin Foulner, "Theonomists interpret the words of the Confession as meaning that though the precise situations addressed by the case law may no longer be found in modern society, there are *parallel cases* to which they do apply, and where these parallel situations are found, the case laws are *binding*" (*Theonomy*, 8fn.). Greg Bahnsen suggests, "Perhaps the best interpretation of 19.4 is to see it as affirming the necessity to apply the illustrations given from the Old Testament case laws to changed, modern situations and new social circumstances" (*TICE*, 540).

Such an interpretation fails on three counts. (1) The Confession speaks of the general equity *of* the judicial laws as part of the whole and considers the laws themselves to have expired. *Theonomy*, however, treats the judicial laws as if they were generally equitable in themselves and as if they remain valid as laws. (2) The Confession uses the word *may*, not *must*; there is no *necessity* in the application of the laws as if they continued to exercise binding force in their own right; the obligation only arises from the fact that the law teaches an equity that is generally applicable to all nations. *Theonomy* requires the law to be applied wherever a parallel situation is found; case laws which were fitted to specific situations are made universally binding; this creates an obligation to enforce these laws and situations they were never intended to address. (3) The Confession requires the use of right reason to discern the natural and moral spirit of these laws and apply it where the situation calls for it. *Theonomy* rejects this use of reason and teaches that genuine ethical guidance is to be found in the letter of the judicial laws (*TCP*, 71-72).

When dealing with teaching that is irrational and absurd, we must proceed carefully in order to attempt to make some sense out of nonsense. Regarding these assertions, note the following observations and analysis.

First, it does not make any sense to assert that the whole judicial law (i.e. every single judicial law) has expired and his positive law, yet we can seek equity as part of the whole. If the whole judicial law in exhaustive detail has expired and is not moral but positive, what is there that is natural, moral or rational to seek? Winzer wants to make sure that no individual judicial laws are binding and thus leaves us to seek principles *behind* the laws or the *spirit* of the law while at the same time rejecting the specific laws themselves. He writes, “Greg Bahnsen uses them [the Scripture proof texts] to teach that the judicial laws themselves are still authoritative and binding. Such an assertion is in direct opposition to the Confessions basic assertion that the judicial laws have expired” (*TCP*, 70).⁵⁵ Winzer’s teaching explicitly contradicts his own statement on page 71 which says, “It is possible to speak of the *morality* and *perpetuity* of a law [singular] which is outside the ten commandments.” It also explicitly contradicts the Puritans and early Presbyterians, who in their discussion of the general equity of the judicial laws or what is still binding, would make lists of specific judicial laws that are *not binding* in specific laws *that are binding*. Such lists in the direct application of *specific judicial laws as laws* can be found in George Gillespie (*Wholesome Severity*, 182; *Aaron’s Rod Blossoming*, preface, 30, 90; *A Treatise of Miscellany Questions*, 2:68), Samuel Rutherford (*A Free Disputation against Pretended Liberty of Conscience*, 47, 55, 57-58, 68, 145, 183, 184, 185, 186-187, 188, 189, 196-197, 199, 205-206, 225, 233-234, 332, 308-309,⁵⁶ 310, 311), David Dickson (*Truth’s Victory over Error*, 157-162, 206, 210-211; *A Commentary on Matthew*, 209),⁵⁷ Daniel Cawdrey and

⁵⁵ Greg Bahnsen argued that only some of the judicial laws were binding essentially using the same procedures as the Puritans and early Presbyterians (e.g., Is it natural or moral in content? Does it teach transcendent and universal principles of justice? etc.). Bahnsen was also careful to take into account social and cultural differences between modern America and ancient Israel in applying specific laws to particular modern situations. All of this required careful exegesis and application. A law that is moral, authoritative and binding applies in identical cases (murder, homosexual acts, kidnapping) and in parallel cases (a railing on a balcony instead of a roof). To argue otherwise gives man human autonomy to make up new laws from non-authoritative, non-binding, expired laws by looking behind them for rational principles. Without specific laws that are moral in content and authoritative, how do we put a civil magistrate’s laws to the test of Scripture? Without any specificity, it becomes our vague concepts of principles behind expired, non-authoritative laws against that the civil magistrate’s. This is a recipe for statism and tyranny.

⁵⁶ Note this typical quote from Rutherford: “... But for the point in hand the Christian Magistrate is tied and obliged to these punishments to be inflicted for moral offenses, that the Law of God hath ordained, at least in nature: I prove, 1. That which is moral, and cannot be determined by the wisdom and will of man must be determined by the revealed will of God in his word; but the punishment of a seducing prophet, that ruineth the soul of our brother, and makes him twofold more the child of Satan than before, is moral and cannot be determined by the wisdom and will of man: Ergo, such a punishing of a seducing Prophet must be by the revealed will of God in his word. 1. Because God only, not Moses, nor any other law-giver under him, taketh on him to determine death to be the adulterer’s punishment, Levit. 20:10. And the same he determineth to be the punishment of willful murder, Exod. 21:12; of smiting of the Father or Mother, V. 15. Of Man-stealing, Vers. 16 of Sorcery, Exod. 22:18; of Bestiality, 19; Of sacrificing to a strange God, vers. 10; and upon the same reason, God only, nor any mortal man, must determine the punishment due to such as seduce souls to eternal perdition” (*A Free Disputation...*, 308-309, spelling modernized). Note that Rutherford refers to specific laws within the judicial law as moral and binding—including the penalties. Such a procedure is theonomic to the core and is anathema to Winzer who teaches that it is wrong and unconfessional to appeal to specific laws as laws in the judicial code or use specific passages as laws. One is only supposed to look for general underlying principles behind the expired, non-binding, non-perpetual, civil code.

⁵⁷ David Dickson says, “It is the duty of the Civil Magistrate, to take order, that all Blasphemies and Heresies be suppressed.... Because, whosoever blasphemed the name of the Lord, when surely put to death; Lev. 24:16”

Herbert Palmer (*Sabbatum Redivivum*, cf. *TCP*, 28), Anthony Burgess (Sermon, *Judgments removed, where judgment is executed*, cf. *TCP*, 16),⁵⁸ James Fergusson (*A Brief Refutation of the Errors of Toleration, Erastianism, Independency and Separation* [1692], 51-52, 54, 63-66. Fergusson, who was at the General Assembly of 1647, preached in 1652 that general equity meant that the civil magistrate should apply the laws as laws and even put violators to death as required in the [moral] judicial law. The only difference or the only positive aspect that did not apply was the *method* of execution.⁵⁹ This is a position held by most modern day theologians. The use of stones may have been typical, pointing to the ultimate judgment of the Rock that

(*Truth's Victory*..., 210). "... Do not Socinians err, who maintain, that it is not the duty of the Civil Magistrate, to punish the guilty with death? Yes. By what reasons are they confuted? (1) Because, God hath expressly commanded, that transgressing Idolaters be put to death; Deut. 17.7, Deut. 19.2" (Ibid, 206). "The duty of children to parents is straightly urged by God's command: and the wicked transgression of it made [it] capital, for the law says, He that curseth father or mother, let him die the death" [Ex. 21:17] (*Commentary on Matthew*, 209).

⁵⁸ "There are such [punishments] as are immediately commanded by the Law of God, or are evidenced by the Law of Nature. And here though it be seriously disputed among divines, Whether a Magistrate may remit that punishment, which by God's Law is prescribed: yet that opinion seems safest, which doth wholly deny it: Because that if the Magistrate should release the punishment which God had commanded, he should then *remittere de alieno*, release another's right, which is God's: and that is altogether unlawful." (Spelling modernized) Burgess plainly teaches that the punishments prescribed in the judicial laws of common equity (i.e. those laws that are not positive or peculiar to Israel) are still in force today. He not only upholds specific judicial laws that are based on natural or moral law but argues that it is "altogether unlawful" to change the penalties. Ironically, Winzer quotes Burgess (out of context) against theonomy.

⁵⁹ "The Adversary brings several exceptions against this Argument which we shall propone and take off. The First Exception is, say they, Those were Judicial Laws, and so now are expired with their Common-wealth: Answer, This is a common refuge to sectaries where any practice is brought from the Old Testament against them, presently they cast at it upon this account as not binding to us under the New: Therefore we shall speak so much the more unto this point: By a Judicial Law is meant a Civil Law, so the force of their Argument is this: The Civil Law of one Kingdom is not binding to another, but these were Civil laws belonging to that Kingdom. Therefore, they are not binding to us. To this we Answer, First, That they cannot say this of all the Laws instanced, particularly of that Law of the fourth Command: It is a Moral Law binding to all. Secondly, we answer that the rest of these Laws are Moral and binding to all Magistrates, yea and that for these reasons: Because First, Abraham, and Jacob, and other Magistrates that were among the Jews did practice these Laws even before the Judicial Law was given out by Moses; and so they behoved to be Moral. Yay Heathen Kings that were not under the Judicial Law of Moses, as not being Members of their Commonwealth, when they came to the knowledge of God, they made use of their Power to suppress Idolatry, which certainly was through virtue of the Moral Law, commanding them so to do: Not the Judicial Law, that they were not under. A Third Answer we give, that though what is said were true, viz. That these Laws were Judicial: Yet it does not follow that they are not now binding to Magistrates. To understand this, there are two things in their Judicial Laws, as in our Civil Laws. Yet, there was somewhat that concerned the Kingdom in particular as that law, that Servants should be freed from their service at the seven years end. And the Law of inheritance to be kept within the Tribe, and this part of the Law did fall with their Common-wealth. But there was another thing in their Judicial Laws, and that is somewhat of Common Equity belonging unto all, such as Laws for punishing sins done against the Moral Law; and in this far the Judicial Law is binding to us: because there is not a syllable in the New Testament for abrogating of it, and so must bind, being given by God. And Jesus Christ and his Apostles Reason from this Judicial Law; as in 1 Corinth: 9.9. It is written in the Law of Moses, Thou shalt not muzzle the mouth of the Ox that treadeth out the corn: And in several other places: so it is in the Civil Laws in other Kingdoms: as for example, That Witches should be punished by death, and burnt to ashes, is a Civil Law in Scotland: Now there is somewhat there of Common Equity, to wit, that they should be punished by death; but the particular way of putting them to death, to wit wither by strangling drowning &c. or the burning of their Bodies to Ashes, is not of Common Equity: Other Kingdoms may use another way of execution, as pleaseth them best" (James Fergusson, *A Brief Refutation of the Errors of Toleration, Erastianism, Independency and Separation*, [1692], 63-66, Spelling modernized).

conquers all evil in rebellion [Dan. 2:34, 35]). The General Assembly of the Church of Scotland⁶⁰ in her time of faithfulness and purity also held to some of the Old Testament moral case laws and their 55 sanctions.

That the most faithful of Presbyterians rejected Winzer's position and held to a view identical to the core doctrine of theonomy is seen in the Queensferry Paper penned in 1680 by Donald Cargill, one of the leaders of the Covenanters: "Moreover we declare, that those men whom we shall set over us, shall be engaged to govern us principally by that civil and judicial law (we think none will be so ignorant as to think, by the judicial law we mean that which is ceremonial or typical) given by God to his people of Israel, no man, we think, doubting, but it must be the best so far as it goes, being given by God." The Covenanter scholar Samuel Wylie endorsed the theonomic view in his classic work, *The Two Sons of Oil; or the Faithful Witness for Magistracy and Ministry upon a Scriptural Basis*:

Whatsoever the law of God commands to be punished, ought to be punished with penalties therein made and provided; but God has commanded gross heretics, blasphemers, and idolaters, to be punished with certain specific penalties. Therefore, such ought to be punished. These commands could not belong to the ceremonial law, for then they would have flowed entirely from the arbitrary will of God, and been mere signs between him and Israel. Who would dare to think so of gross heresy, &c.? Neither could they belong to that part of the judicial law which respected the Jews peculiarly. Who would dare to say that none but the Jews were, or are, under obligation to worship God in purity, or abstain from blaspheming his nature and dignity? They must, therefore, belong to the moral law, and flow from the moral nature of Jehovah, who has declared he will not give his glory to another, nor his praise to graven images.... Thus we find the first, second, and third precepts of the moral law pointedly prohibiting these things, and requiring the contrary duties. All the precepts and threatenings which are to be found respecting these, scattered up and down the Bible, are only elucidations of those commandments.⁶¹

The great Puritan theologian John Owen says, "In respect unto these...[*moral preceptive part of the law*], the Lord Christ gave no new law, nor as the old abrogated by him—which it must be if another ere given in the room of it, unto the same ends. For the introduction of a new law in the place of and unto the end of a former, is an actual abrogation of it. Neither did he add any new duties in matter or manner beyond what is prescribed. Any such supposition is contrary to the wisdom and holiness of God in giving the law, and inconsistent with the nature of the law itself. For God never required less of us in the law than all that was due unto him; and his prescription of it included all circumstances and causes that might render any duty at any time necessary in the nature or degrees of it. Whatever at any time may become the duty of any person towards God, in the substance or degrees of it, it is made so by the law. All is included in that summary of it, 'Thou shalt love the Lord thy God with all thy heart, and thy neighbor as

⁶⁰ *A True Copy of the Whole Printed Acts of the General Assemblies of the Church of Scotland, ... 1638... 1649*. On May 23, 1649 the Assembly appealed to Leviticus 20:10, 11, 12 and Deuteronomy 22:22 in order to prove and defend an act of Parliament regarding the use of capital punishment for those convicted of adultery.

⁶¹ Samuel B. Wylie, *The Two Sons of Oil* (Greensburg [PA]: Snowden & M'Corkle, 1803), 74-75.

thysself.’ Nothing can be the duty of men but what and when it is required by the love of God or our neighbor. Wherefore, no additions were made unto the perceptive part of the law by our Saviour, nor counsels given by him for the performance of more than it did require.”⁶² Francis Turretin states, “The polity having been abolished, the laws must necessarily be abolished upon which that polity was founded. They are of positive right and referred simply to the Jewish state; but not forthwith the others founded in natural right and appendages to the decalogue. Therefore, the forensic [judicial] law as to general determinations, founded upon the moral law, is not abrogated; but as to special determination, which concerned the state of the Jews, is abrogated.”⁶³ In other words, that aspect of judicial law (including the ceremonial) which pertained to types or shadows prefigured in Israel; or, which pertained to Israel as a *peculiar* nation (i.e. its situation in time and place); or, which pertained to Israel’s unique status in the ancient world as the home of true religion requiring its separation from the Gentiles; these, were “special determinations,” matters of positive right existing only as a matter of will (in Israel’s case the divine will), which expired with the state of Israel. The principle of equity forms “general [or universal] determinations,” matters of natural right existing necessarily as a matter of nature (both divine and human), these cannot be abrogated.

As Thomas McCrie justly remarks,

With respect to the particular laws by which the Jews were governed, the common sentiment of sound divines, and the best writers on the laws of nations, is, that although the judicial law is not binding as such upon Christian nations, so that they should be bound to regulate all their laws according unto it, yet it demands distinguished attention, and is to be regarded, as a pattern, in those laws which proceeded upon moral grounds. In it there was nothing inconsistent with the principles of equity and religion. God give unto Israel ‘right judgments and true laws, good statutes and commandments.’ All just laws among men are deductions from the moral law, applied to human affairs. But in the judicial law, the conclusions were deduced and applied, not by the fallible and corrupt reason of man (as in ordinary laws) but by unerring wisdom. These respected either the first or second table of the moral law, duties which immediately related to God or man. It is a radical mistake, on this subject, to suppose that the peculiarity of the judicial law did lie solely and properly in its reference to matters of religion, or the first table. It is to be observed also in those laws which related to things civil, or the duties of the second table. There is no more propriety in representing all the judicial laws respecting the first table as peculiar, than there is in representing all those which related to the second table as peculiar. Peculiarities there were in both; but after allowances are made for these, there remain moral grounds for both; and whatever proceeded upon moral grounds in the judicial law, whether it respected things immediately connected with religion, or with justice and civil order, is exemplary, and must be obligatory.”⁶⁴

⁶² “A Declaration of the Glorious Mystery of the Person of Christ” in *The Works of John Owen, D.D.* (New York: Robert Carter and Brothers, [1679] 1851), 1:135.

⁶³ Francis Turretin, *Institutes of Elenctic Theology*. George Musgrave Giger trans. (Phillipsburg, NJ: P&R Publishing, [1679-85] 1992-97), 2:167.

⁶⁴ Thomas McCrie, *Statement of the Difference Between the Profession of the Reformed Church of Scotland, As Adopted by Seceders, and the Profession Contained in the New Testimony and Other Acts; Particularly, on the*

This caveat should make any sober Christian very careful not to simply dismiss the whole judicial laws as expired.

As James R. Willson correctly observes, “The government of the Israelitish commonwealth is said to be a theocracy, i.e., a divine government; the civil institutions of the nations, under the New Testament dispensation, are affirmed to be the mere creatures of man. Hence it is inferred, that the statutes enacted of God for the government of the kingdom of Israel with their annexed penalties, were binding on the Jews only. Were this reasoning correct, still the conclusion deduced from it would be unwise and unsafe. The Israelites were men, endowed with all the common social principles of human nature; they were chosen and highly favoured people of God, who knew what was best calculated to promote their national morality, glory and prosperity, and who, out of his love to them as his peculiar people, did certainly govern them by such laws as were best adapted to secure those beneficent results. The conclusion is irresistible, that the legislators act most wisely who copy with the greatest accuracy those laws which emanate from the fountain of wisdom and benevolence.”⁶⁵ Willson also upholds the penal sanctions, “The declaration of the Apostle Paul, respecting the penal laws of the Old Testament scriptures is direct, and plain in proof of our principle. ‘But we know that the law is good, if a man use it lawfully; knowing this, that the law is not made for a righteous man, but for the lawless and disobedient, the ungodly and for sinners, for unholy and profane, for murderers of fathers and murderers of mothers, for manslayers, for whoremongers, for them that defile themselves with mankind, for men-stealers, for liars, for perjured persons.’ It is evidently the penal law to which the Apostle here refers; for he says, it was not enacted for ‘the righteous man.’”⁶⁶

The Absurdity of Winzer’s Position Demonstrated

Having proved that Winzer’s interpretation of the exception clause contradicts the Puritans, Second Reformation Presbyterians, as well as prominent nineteenth century Seceders and Covenanters (Reformed Presbyterians), we need to compare how Winzer’s interpretation

Power of Civil Magistrates Respecting Religion, National Reformation, National Churches, and National Covenants. (Edinburgh: George Caw, 1807), 125-126. When Thomas M’Crie speaks of the judicial laws that are moral as a pattern, he is noting that the moral case laws do not speak *directly* to every conceivable situation (especially to our modern society) and therefore are to be used to form logical deductions in order to write laws to fit our modern situation in life. While moral laws in the judicial code are binding and universal, they obviously are not exhaustive. They serve as patterns or guides for modern Christian civil magistrates who have to deal with things like drunk driving and rules of safety for workers near giant dangerous machines, etc. A careful study of the moral laws in the judicial code, which are then applied by Christians using sanctified reason, will enable a modern Christian state to form just laws. Theonomists argue against human autonomy in ethics and penology, not a proper use of God’s law.

⁶⁵ James R. Willson, *The Sabbath. A Discourse on the Duty of Civil Government, in Relation to the Sanctification of the Lord’s Day* (Newburgh, NY: Parmenter & Spalding, 1829), 18.

⁶⁶ J. R. Willson, *The Sabbath*, 30.

would work compared to Greg Bahnsen's, which we regard as biblical and sensible. Remember that Winzer says that the law *as law* is not binding (*TCP*, 70). One can only use the law *as teaching* (*TCP*, 70). One must look beyond the letter of the law to discover the moral principles lying behind it (*TCP*, 71). This point is important because Winzer's position is representative of modern Presbyterians who hate theonomy, reject the establishment principle and embrace religious pluralism. Winzer may not embrace these positions, but his broad dismissal of the *imperative* and *penal* use of moral laws within the judicial code is necessary to hold to the typical modern unbiblical and unconfessional understanding of civil rule. The way to test Winzer's view is to attempt to apply some moral case laws within the judicial code.

In Leviticus 20:13 we read, "If a man lies with a male as he lies with a woman, both of them have committed an abomination. They shall surely be put to death. Their blood shall be upon them." This is a straightforward moral case law; it identifies homosexual activity as an abomination in God's sight. This means that Jehovah finds such behavior exceptionally detestable. Men who are guilty of such behavior *must* be put to death. God's requirement in Hebrew is emphatic. The Lord finds homosexual behavior so offensive that He demands the death of the offenders. In other words, this is not the maximum penalty but the *only penalty*. The statement "their blood will be on their own heads" supports the civil law's requirement by indicating that those who were guilty of this crime had forfeited their own lives. According to Winzer, civil magistrates cannot appeal to this law as law because it is *positive* and has *expired*. He can, however, look for principles behind the law. I suppose that Winzer would say that this verse teaches that homosexual behavior is a sin. Most modern Presbyterians who follow Winzer's approach are happy to acknowledge that homosexuality is sinful and destructive of the family and society. They may even admit that it ought to be a crime. But they are unwilling to adopt the penalty that God requires. They want sin with man-made penalties but not with God's penalties. So they equivocate with talk about teaching instead of imperatives and general moral principles instead of specific divine imperatives. Where does this position all lead? It usually leads to teaching and conclusions that are *different* than the *specific teaching of the passage* under consideration. Such a position is simply a clever way to avoid the clear, direct meaning of the passage. Such a view is indefensible exegetically, morally, practically and logically. The theonomist says that when situations are similar or related but not identical, one must apply the moral principles of the passage to different situations (e.g., the railing around a flat roof can be applied to balconies and second-story decks, etc.). The one who adopts the typical modern approach can ignore the specifics and reject the penalties altogether.

When God says that a behavior is so wicked and detestable that a person who commits such an act deserves to be put to death as a matter of *justice* and emphatically demands that such a person be put to death, how can we adopt a different penalty without disobeying God and committing sin? Keep in mind, we are speaking of laws that clearly are *not* ceremonial or positive but moral. We are discussing laws that have not been abrogated or annulled by further New Testament teaching. Winzer and modern anti-theonomists are advocating human autonomy in penology and a form of judicial antinomianism.

In Leviticus 20:15 we read, “If a man mates with an animal he shall surely be put to death.” What is the moral principle or teaching that is behind this verse? It is that God detests bestiality; that bestiality is a sin so vile and abominable that it is a crime. It is so wicked in Jehovah’s sight that those convicted of such an act *must* be put to death. If Winzer or anyone else comes to any other conclusion than the clear teaching of this text, they have rejected the teaching of God’s word for human autonomy. All the talk about moral principles behind laws and the need, due to discontinuity, not to take laws as laws, is simply a smoke screen for rebellion against the word of God. Many of the moral laws in the judicial code contained nothing positive or obscure except perhaps the method of execution which most Puritans, early Presbyterians and theonomists acknowledge. What then is Winzer’s, and most modern Presbyterian’s, central complaint against the central core of theonomy? They do not want to obey God’s moral case laws as law because *they do not like the moral case laws*. They want flexibility to do something else. This view is nothing less than unbelief and rebellion.

In Leviticus 20:27, we have a law regulating satanic religions: “A man or a woman who is a medium, or who has familiar spirits, shall surely be put to death; they shall stone them with stones. Their blood shall be upon them.” This law tells a Christian nation what to do with someone who publicly practices witchcraft, fortune telling or sorcery. By their behavior, they are seeking to corrupt others and subvert the Christian law-order. This passage, and many others like it, was used as a proof text for executing witches, mediums and satanists in Scotland, England and the New England colonies. If it has expired and cannot be applied as law, as Winzer says, then what does it teach? Is the central principle simply that such activities are sinful and ought to be punished? Is Winzer saying that a Christian civil magistrate can ignore the death penalty and substitute a fine or imprisonment instead? On what exegetical basis? It is one thing to carefully study a passage to see if there are ceremonial or positive aspects to a law or if the whole law is positive. It is another thing altogether simply to assert a broad brush principle of discontinuity with no exegetical evidence whatsoever. We ask Winzer and those who hold to their antinomian interpretation of the Mosaic law: What is positive or ceremonial about judicially executing a guilty sodomite, or a person who practices bestiality, or a medium, or a witch? Are you saying that these penalties are arbitrary or serve some ceremonial purpose? If you are, then please tell us what it is. Tell us why these penalties have been set out of gear or are positive. Moreover, were these *God-given* penalties *just* or were they arbitrarily extra harsh? If they were just, then why would it be wrong to implement these laws as laws today (minus the use of stoning which most Puritans and theonomists believe was ceremonial or positive)? At least the Free Church made a feeble attempt at disproving the central thesis of theonomy with Scripture. They, of course, failed miserably.

A Problem of Simple Logic

Winzer and all those who use the moral equity clause to argue that we cannot use judicial laws which are moral and natural in a specific manner; but can only appeal to general teachings

or principles behind those laws; that we certainly are not bound by the penalties have a number of insurmountable problems.

First, as we have repeatedly noted, God Himself refers to the penalties as expressions of justice. Israel's justice system is said to be far superior to the Gentiles and the judgments therein are called "righteous judgments" (Deut. 4:8). Jehovah says that the inspired penalties are upright, virtuous, just, morally correct or godly. The penalties attached to the moral case laws cannot be relegated to an area of *adiaphora*. For this reason, the law says that they are to be applied in the same way to both Jew and Gentile (Ex. 20:10; 22:21; 23:9, 12; Lev. 16:29; 18:26; 19:10, 33, 34; 23:22; etc.) as well as poor or rich (Ex. 23:3, 6; 30:15; Lev. 19:15). In addition, we have noted that the whole point of the *lex talionis* is that the penalty must fit the crime. The penalties must not be too harsh or severe and they must not be too light or lenient. Once again, Jehovah emphasizes that the penalties attached to moral breaches of the law are just; that is, they are designed to reflect the heinousness of the crime.

Given these clear biblical teachings, those who say that we should ignore the specificity of these laws or that we are free to employ the penalties in a very flexible manner and that we can ignore them altogether, must explain how a penalty that is *far different* from God's penalty remains just. If God says that a person guilty of homosexual behavior, bestiality, witchcraft or kidnapping *most certainly* must be put to death and we reject this teaching and give someone a fine or jail time, then we implicitly are saying that God's penalty is unjust. We have altered the penalty and greatly lessened it because we think it is too harsh or unfair. One cannot maintain that two radically different penalties for the same crime are both fair and just. One is either too severe and thus not equitable, or too lenient and thus unrighteous. People who argue for great flexibility in the penal sanctions attached to moral or natural laws do not seem to be aware that they have adopted a form of judicial relativism. One must argue that the civil magistrate is required by God to follow precisely the justice of the moral case laws' penal sanctions or one must argue that the penalties that God wrote have nothing to do with justice because they are arbitrary. Once one has adopted the latter position, then one has given the state God-like powers to make up any penalty they please. If someone steals a bike, then he could be tortured or have an arm cut off or be locked up for 30 years. If one objects that such penalties are too harsh and unjust, then one has conceded the whole point to the theonomist. Penalties are not arbitrary after all and must accord with righteousness and justice as defined by God.

Second, one must explain why moral case laws and accompanying just penalties no longer apply today. Remember, the moral case laws and the penal sanctions attached to them are not ceremonial or redemptive in nature. God has carefully instructed us in the New Testament as to *what* the ceremonial ordinances were and *why* there are no longer to be observed; they were positive laws that typified Christ and His work or aspects of sanctification. Many penalties for breaches of the ceremonial law were severe because they did point to Christ. To break such laws was tantamount to preaching heresy or insulting the coming Messiah. But now that Jesus has come the shadow laws have all been set out of gear. But, please tell me, why would the penalty for rape or kidnapping or homosexuality or bestiality or manslaughter be any different today than

in the Old Covenant era? Jehovah, the law-giver, has not given any instructions or further revelations telling us that He has relaxed or set aside penalties for moral crimes. God has not revealed any flexibility or told us that we now have autonomy. Therefore, there is no divine warrant for us to reject the moral case law's penal sanctions.⁶⁷

Third, those who adopt Winzer's anti-theonomy position must explain *how* and *why* a modern civil magistrate's penal sanctions would be better or more just than the ones revealed by the all-knowing, infinitely wise and just God of Abraham, Isaac and Jacob. Professing Christians recoil in horror at the sanctions of God's moral laws and are quick to accept exceptionally weak and foolish arguments against them. But have they ever really thought through their position? If we reject what God has to say about a particular crime, then what is to be put in place of God's just, inscripturated sanction? Do they really believe that a fallen human being, who is finite and highly fallible due to sin, can do a better job at determining judicial sanctions than Jehovah, the Almighty God? Such thinking is baffling, especially given mankind's abysmal record on penology. We ask Winzer, what should be done to those convicted of rape, homosexuality, bestiality, witchcraft, or idolatry? If your proposed penalty is less than what is required by Scripture, explain why, or on what exegetical basis. If it is more severe than what God requires in His infallible word, explain why. Are you saying that fallen man can make penalties that are more just and fair than God's? If you are claiming that the Old Testament penal sanctions are too harsh, explain why based solely on Scripture. Given Jehovah's righteous character and the perfection, infallibility and inspiration of sacred Scripture, one can safely assume that any penalty that Jehovah wrote that is connected with a moral infraction is just, fair and righteous and, therefore, any man-made penalty that is less rigorous or more severe than God's is not righteous or just.

⁶⁷ One of the reasons this author was convinced of the central thesis of theonomy is the exceptionally poor argumentation used against it. Not one of the arguments against the abiding validity of the moral case laws and the penalties is truly based on a historical-grammatical-theological interpretation of Scripture. The Free Church report took a stab at traditional exegesis but used a passage dealing with the ceremonial law (Eph. 2:14) and John Murray's erroneous (and thankfully rare) interpretation of John 8:2-11. The arguments against theonomy fall into a few different categories. There are those like Winzer who argue that it contradicts the Puritans and early Presbyterians. We have seen that, although the theonomist movement has its problems, their *central position* is actually very similar to that of the Second Reformation Presbyterians. In fact, if one carefully reads Winzer and others (e.g., Sherman Isbell), he will discover that their articles are self-refuting. Many follow a very general method and say that it does not accord with the tenor of Scripture or it will result in too many problems and complexities. These are essentially conclusions without real arguments. They are expressions of dispensational and modern pluralistic presuppositions. Others such as Meredith Kline and Vern Poythress adopt a clever, creative approach and basically invent arguments against theonomy from scratch. For example, Kline argues (based on his study of Hittite treaty patterns) "that the Old Testament is not the canon of the Christian church" (*The Structure of Biblical Authority* [Grand Rapids: Eerdmans, 1972], 97). This view not only contradicts covenant theology, but also Jesus Christ (Mt. 5:17ff). He also argues that the Old Testament laws are an "intrusion" of the final eschatological reality and thus cannot be applied today (Ibid, 166). He does not explain, however, why they do not apply or why Jesus and Paul continue to use them for Christian ethics in the New Covenant era. Bahnsen notes, "To show that the penal stipulations of the law are inapplicable today Kline must do more than point to the law being set aside at the consummation—specifically, he must demonstrate this point directly from Scripture" (*Theonomy in Christian Ethics*, 583-584). This he does not do; neither does Winzer, nor the Free Church.

Third, one must explain why we have flexibility when God's law emphasizes that, in regard to ethics and penology, we must not be flexible. Bahnsen writes,

Strangely enough, all of the laws in the Old Testament, the penal sanctions have said more about their *inflexibility* than any other! To be sure, we are to be careful in obeying *all* of God's law, not adding anything to it or subtracting anything from it (Deut. 4:2). However, much more is said about the *necessity* of carrying out the penal sanctions. A parent need not punish every disobedience of his or her child, and in interpersonal offenses love can cover a multitude of sins. But such discretion is explicitly *prohibited* to the magistrate in regard to the law's penal sanctions. They were not to swerve to the right or to the left from the law (Deut. 17:18-20), and justice is perverted when the law is slackened (Hab. 1:4). God declared "Thine eye shall not pity" when criminals are to be executed (Deut. 19:13, 21), for that would make the magistrate guilty of being a respecter of persons (Prov. 24:23). "The evil man shall not be unpunished" (Prov. 11:21). Mercy on the part of the civil magistrate in applying the penal sanctions of the law against criminals is strictly forbidden. "A man who had violated Moses's law died without compassion on the word of two or three witnesses" (Heb. 10:28)—the justice of which procedure is foundational to our conviction that God is just in condemning apostates for eternity (v. 29)! Those who wish to keep God's law, therefore, will definitely contend with the wicked (Prov. 28:4). Not even a trespass offering before the priest (Lev. 6:4-7; Num. 5:5-8) or clinging to God's merciful altar (Ex. 21:14) could relieve the criminal of his punishment—even as the sacrificial death of Christ upon the altar for our salvation does not relieve criminals today. *Inflexibility* regarding the laws penal sanctions is a *virtue*, not a drawback. Such inflexibility was Paul's attitude (Acts 25:11), and without it the good citizens of a society can have no confidence because the sword held over the criminal elements in society is carried in vain (Rom. 13:3-4).⁶⁸

The difference between Winzer and theologians is that Winzer wants flexibility regarding the actual content of law (in other words, the interpreter ignores *specific* laws and penalties and autonomously makes his own law and penalties based on the general teaching of Scripture); while the theologian sees the need for flexibility only in cases of *application* to modern situations that are not identical to an ancient situation. Once again, the example of a railing or fence-like structure on the edge of a roof which was used to entertain guests comes to mind. Since most people do not have flat roofs, the railing is unnecessary. But this law does apply to balconies and decks that are high off the ground. Winzer objects to theologians because they want to use the laws as laws or because they want an "automatic application of what the law requires." But, he fails to note that in *identical situations* one must do exactly as the law requires. If someone has a flat roof and he uses the roof as a living space, then the law as a law applies. According to Winzer, this law has expired and apparently a Christian may ignore the specific law if he desires. Theologians are well aware of the need to use sanctified common sense and a certain amount of flexibility in applying laws to different yet similar situations. Theologians have never denied this need.

⁶⁸ Greg L. Bahnsen, *No Other Standard*, 253-254.

What bothers Winzer and most modern Presbyterians is the theonomists' insistence on a specific use of the law. He writes, "The Confession requires the use of right reason to discern the natural and moral spirit of these laws and apply it where the situation calls for it. Theonomy rejects this use of reason and teaches that genuine ethical guidance is to be found in the letter of the judicial laws" (*TCP*, 72). Besides the fact that theonomists do not reject the use of reason in both biblical interpretation and application, there are a number of serious problems with this statement. First, if one rejects the letter of the moral case laws within the judicial code by arguing that they are positive and expired as does Winzer, how does one discern the "moral spirit of these laws"? How can there even be a moral spirit? Winzer does not realize it, but his argument smacks of modernism. The Bible teaches what is called "plenary inspiration" which means that not only the thoughts and ideas of the Bible, but also the very words themselves are inspired by God. Can words that make up straightforward ethical imperatives be abrogated or expired yet retain a moral spirit or have moral principles behind the nonbinding laws? How does Winzer's teaching accord with Proverbs 30:5, "Every word of God is pure; He is a shield to those who put their trust in Him"; or Psalm 12:6, "The words of the LORD are pure words, like silver tried in a furnace of earth purified seven times"?

There could be a positive law, or a law that exists solely because of the revealed will of God, that remains binding in the New Covenant era (For example, some of the statutes relating to certain forms of incest are regarded as positive laws by the Puritans. Such laws would be binding solely because God commanded them.). But such a law would remain binding *because it did not expire or it was never abrogated by God*. But if such a law was abrogated, it would mean that we could ignore or break that law with impunity because it no longer binds us. How could we find moral principles or the spirit of the law from a law that we can now break without sin? The law in its very words and details either applies or it does not apply. It seems that Winzer is the one who was set aside the right use of reason.

Second, when discussing the moral law (not just the Ten Commandments but the case laws as well; cf. the section on the Sermon on the Mount above) Jesus said, "one jot or one tittle will by no means pass from the law till all is fulfilled" (Mt. 5:18). Our Lord then goes on to defend a number of moral case laws in the judicial code against the perversions of the scribes and Pharisees. Winzer claims that, not only the letters or the words, but whole laws as laws have expired, yet we should seek the moral spirit of these expired laws. This ethical schizophrenia is a result of Winzer's gross misunderstanding of the Puritans and early Presbyterians. One could argue that an aspect of a law expired (e.g., the positive aspect of the Jewish Sabbath which referred it to the seventh day) and yet the moral part of the law continues. But one cannot say that a *whole law* has expired and does not apply to us as a law, yet contains a moral spirit behind the law. Such reasoning is ludicrous. One can, however, take moral principles from moral laws and apply them to different yet similar situations. This is what the Puritans and theonomists have advocated.

Does Theonomy Destroy the Administration of Justice?

Before Winzer moves to another topic he offers the creative and somewhat amusing criticism that, by following the judicial laws (what theonomists correctly identify as moral case law), theonomists hinder civil magistrates from executing justice. He writes,

If the theonomic ethic were consistently followed in matters of ethical concern today, the judicial laws would hinder magistrates from administering the justice these laws were fitted to provide. Robert Baillie makes this point in relation to John Cotton's rigid policy:

what men besides them have made so bold with Kings and Parliaments, as not only to break in pieces their old Lawes, and to divest them of all power to make new ones; but also under the Pretext of a divine right, to put upon their necks that unsupportable yoke of the Judicial Law of the Jews, for peace and for warre, without any power to dispencc either in addition or subtraction. I grant this principle of Barrow is limited by Mr. Cotton to such Judicials as doe contain in them a moral equity; but this moral equity is extended by him to so many particulars, as Williams confesses the whole Judicial law to be brought back againe thereby ("Chronology," 34).

According to this Westminster representative, the theonomic interpretation of general equity resurrects the judicial laws and divests the magistrate of the power that is necessary to maintain peace and justice (*TCP*, 72).

While I am not sure what Baillie's criticism of Cotton's policy amounts to, I do know that Baillie was close friends with George Gillespie and Gillespie's writings on the law are explicitly theonomic. If Baillie was critical of Cotton's attempt at formulating a comprehensive body of civil laws by studying and applying moral case laws under the judicial law, then Baillie was misguided on this issue. The Puritans and early Presbyterians were not infallible.

In any case, Winzer's words are clever but, once again, are irrational and absurd. Because theonomists want to follow actual moral laws in the judicial code with the penalties and carefully apply them to modern situations they "hinder magistrates for administering the justice these laws were fitted to provide." Let us consider these words for a moment. Those who say that we should follow moral case laws as laws and *not* treat them as expired or nonbinding today are denying the justice of these laws. But those who teach that all of these laws have expired and that it is wrong to use these laws as laws (i.e. instead one must search for the spirit of these laws) are upholding the true justice of these laws. What Winzer seems to be saying is that those who actually attempt to follow the laws are really the ones denying their meaning and purpose. But those who reject the laws as laws and do not follow the penal sanctions but rather use general principles behind the laws as a springboard for human autonomy are the true theonomists.

The problem with Winzer's view is that it essentially accuses Moses, Joshua, the godly judges and righteous kings of Judah of hindering true justice in society. Did not Moses and the godly kings apply the moral case laws in the judicial code as laws? Did they follow the penalties

that God required? Was their administration of justice hindered by following these laws? No! The exact opposite was the case. Jehovah told Israel that if they strictly followed these laws, the Gentile nations would see that the Jews had the best justice system in the world and served the true God (Deut. 4:6-8). If the godly kings of Judah used moral case laws to maintain peace and justice in society, why can't those laws do the same today? Is murder, rape, fraud, kidnapping, bestiality, homosexuality, adultery, etc. any different today than it was then? Has God's view of these crimes changed? Are the penalties of the Old Testament moral laws that Jehovah Himself identifies as just (Deut. 4:6-8) now unjust? Is society better off by rejecting the laws as laws and giving the civil magistrate the authority to ignore them and replace them with different laws and penalties? Perhaps Winzer could give us some specific examples where theonomists are proposing unjust laws.

In Winzer's statements we see the central problem with the anti-theonomic viewpoint. Those who reject the central thesis of theonomy of logical necessity must attack the law of God itself. Rushdoony, North and Bahnsen are *not* advocating their own laws. They are arguing for *sola Scriptura* and the perfection and superiority of God's law. The problem with the modern theonomy movement (as noted above) is not its desire to apply Old Testament moral case laws to society but its unwillingness to faithfully apply first table commandments to the church and state.

Winzer teaches that the way to be faithful to the judicial laws (i.e. the moral case laws) is to make sure that we do *not* enforce "the judicial laws themselves where parallel cases exist" (*TCP*, 72). By rejecting the laws themselves as laws and teaching that they are positive and have expired, we can really develop a solid Old Testament ethic for modern culture. If we study these expired, nonbinding laws that must not be used as laws and discern the spirit behind these laws, we can establish God's justice in the land. When civil magistrates reject these laws as laws and make up different laws and penalties that contradict the laws in Scripture, they show their faithfulness to the spirit of these laws. By rejecting the specificity of God's law and the penalties, the magistrate now has the power to maintain peace and justice. Those foolish theonomists, who actually want to obey God's moral laws, as they were written, as real binding laws, destroy the peace and justice of society! Is it possible to twist and pervert the teaching of the Confession and the early Presbyterians more than Winzer has? I challenge Winzer to give a few examples of how a theonomist's application of a moral case law from the judicial code to modern society would result in injustice.⁶⁹ This cannot be done without asserting that applying a specific law that God Himself wrote is also unjust. Winzer and others like him do not like God's law and thus go to

⁶⁹ Even R. C. Sproul recognizes that the Old Testament moral case laws were designed by God to be applied to many different situations. He writes, "Casuistic law is what we call case law. The word of God is designed to give us guidance for how to glorify God in our behavior. God's law is a light for our path. But if God set forth specific laws to apply to every conceivable human exigency, the Bible would be larger than a multivolume encyclopedia.

Therefore God gives case law: 'If your ox tramples your neighbor's roses, then the penalty is...' The law could go on to say, 'But if your ox tramples your neighbor's daffodils, then the penalty is...' And what if a mule is involved, not an ox? The point is that a few concrete examples from real-life situations are set forth, and judges who hear specific cases of negligence or damage can use them as guidelines by which to apply principles of justice" (*Truths We Confess: A Layman's Guide to the Westminster Confession*, 2:255).

great lengths to circumvent it so modern civil magistrates can have greater flexibility through human autonomy. That is the essence of their complaint.

Winzer's Summary of the Differences

Before we leave behind the general equity clause, we will use Winzer's summary statement of the differences between theonomy and his interpretation of the Confession in order to summarize our analysis of Winzer's position. He writes,

To summarise the first part of this analysis—it is evident that Westminster defines morality as submissive obedience to the divine law, and thereby upholds theonomy against autonomy. This law, however, is identified as the moral law in contrast to theonomy's teaching that every law of God is perpetual. According to Westminster, the moral law is unalterably binding, whereas theonomy allows case laws to qualify the moral law. Where Westminster traces the moral law back to the law of nature and allows the use of right reason to apply this law to the life of man, theonomists reject the use of reason and bind man to the law of Scripture alone. Westminster praises the ten commandments as a perfect rule of righteousness, while theonomy considers that they need supplementation. Westminster distinguishes between moral and positive laws, but theonomy views all law as a transcript of God's holiness. Westminster upholds the traditional threefold division of the law as a marker of continuity and discontinuity between the Testaments, but theonomy rejects it in favour of a twofold division. Westminster views the judicial laws as positive and therefore discontinuous in the New Testament, which theonomists criticise as a reversion to rationalism. Westminster speaks explicitly of the expiration of the judicial laws, whereas theonomy supports the abiding validity of the judicial laws. Finally, Westminster allows that the natural, moral, rational equity of the judicial laws requires application to modern nations, but theonomy demands the enforcement of the judicial laws themselves where parallel cases exist. Westminster and theonomy disagree to such an extent on the nature of the law that they must be considered two incompatible systems of thought (*TCP*, 72).

Winzer notes a number of supposed differences. First, he asserts that theonomists teach that every law is binding. This we saw is completely untrue. Theonomists recognize that the ceremonial law and many judicial laws peculiar to Israel are no longer binding. Second, he argues that theonomists allow the case laws to *qualify* the moral law. This statement also is false in that, like the Larger Catechism, theonomists view the moral case laws as explaining or fleshing out the Ten Commandments which are only summaries of the moral law. Such a position is not a departure from the Puritans or Second Reformation Presbyterians at all.

Third, Winzer argues that "theonomists reject the use of reason and bind man to the laws of Scripture alone." No, theonomists reject use of *autonomous human reason* due to the fall and argue that through a careful historical-grammatical-theological interpretation of Scripture and the application of biblical laws to modern situations, a comprehensive body of modern laws can be

formed. (For example, theologians have discussed speeding and drunk driving laws as proper applications of certain moral case laws.)

Fourth, he says that the Westminster divines regarded the Ten Commandments as a perfect rule but theologians believe they need supplementation. No, theologians teach that it is a perfect summary of the moral law and are happy to use the many moral laws and teachings outside of the Decalogue, just like the Larger Catechism and all the Puritans and early Presbyterians did. Would Winzer accuse Jesus or Paul of having a deficient view of the Ten Commandments because they appealed to moral laws found outside the Decalogue?

Fifth, he notes that the Westminster Confession holds to a threefold division of the law, while theologians hold to only two divisions (e.g., ceremonial [or restorative] and moral). While this is not true of all theologians, this is a legitimate criticism of theonomy. Theonomist writers, however, have noted laws that have been identified as judicial that are no longer binding.

Sixth, Winzer says that the Westminster divines believed all the judicial laws were positive and therefore not continued; while theologians believe that all the judicial laws are binding. Winzer is wrong in both assertions. Theonomists speak of the binding nature of judicial laws that are moral or which explain the Ten Commandments. The Puritans and Presbyterians of the 1640s spoke of judicial laws particular to the Jews, which have expired, and judicial laws which are moral and common to all nations. They did speak of two kinds of moral laws that continue which both Winzer and theologians have overlooked or misinterpreted. There are moral laws that are based on God's nature and character within the judicial code that are rooted in natural law. These laws can never expire or be abrogated. Theonomists recognize this, while Winzer rejects it. There are also laws in the judicial code that are moral-positive laws. This means that they are not based on God's nature and character but merely the divine will. They are moral only in the sense that God requires them. These laws, for the most part, have expired but the Presbyterians and Puritans believed and taught that some of these moral-positive laws have not been abrogated. Some of the laws on incest, for example, are regarded by some seventeenth century writers as being positive, yet are said to continue into the New Covenant era.

There are even laws in the New Covenant era that are positive yet moral (i.e. only in the sense that they have been commanded by God). For example, in the Old Testament the fourth commandment incorporated the principle of the law of nature regarding the duty of setting apart a special time for the worship of God. The day chosen by God, however, was positive. Jehovah chose the seventh day in order to honor the day after He finished creating the universe when He rested from His creative labors. In the New Covenant, a time of worship, which was moral and perpetual, continues, but the day, which was positive, has been changed from the seventh to the first day of the week in order to honor and celebrate the resurrection of Jesus Christ, which is the foundation and beginning of the new creation.

This distinction between judicial laws that are founded on natural law and are rooted in God's nature and character and the judicial laws that are positive (or there are aspects of certain laws that are positive) helps us understand the position of the Puritans and the Second Reformation Presbyterians. If one carefully studies the writings of these men, one will notice that

they completely agree with theonomists in maintaining the death penalty for all the capital offenses of the moral laws in the judicial code except the Sabbath. They regarded the penalty attached to Sabbath violations as severe due to its ceremonial or positive aspect (most theonomists [i.e. the ones who still believe in the abiding validity of the Sabbath] would likely agree). Moreover, while these men consider the death penalty for violating the moral laws in the judicial law to be expressions of justice and mandatory, the *method* of execution (e.g., stoning, etc.) they regarded as positive and particularly Jewish. Consequently, they practiced beheading and/or hangings instead of stoning. Only Gary North has endorsed stoning as the proper method of execution today. If North is wrong about the method of execution, it is not a major error, for the important thing is that certain criminals be put to death and turned *directly* over to Jehovah for His punishment. While theonomists are guilty of a lack of precision when discussing categories of law and certain aspects of positive-moral law, they, in the end, are much closer to the Puritans and early Presbyterians than Winzer and the typical modern pluralistic Presbyterian. The reason for this is simple. They have respect and faith in the natural-moral laws in the judicial code and treat them as laws, not abrogated positive laws. The biblical theonomist does not look for ways to reject, water down or circumvent laws that are moral and perpetual but rather seeks ways to apply them to modern yet related situations.

Theonomy and Natural Law

As we look at Winzer's analysis of theonomist writers' approach to natural law, we need to keep in mind that: a) some of Rushdoony's comments could be more cautious and qualified; and, b) theonomists usually are not rejecting the concept of natural law but rather the use of natural law as an autonomous source of ethics instead of divine revelation. On this topic Winzer writes,

Another point which the chronology has brought to the fore is the *natural* origin of moral law, that is, the way it operates in the sphere of *nature* so as to impose itself on all men. The words *nature* and *natural* are consistently used in connection with the moral law and equity ("Chronology," 9, 12, 16, 18, 29, 32, 34, 37, 41, 45, 46, 48, 55).

The divines' utilisation of *natural law* is in perfect harmony with the Westminster formulary, which does not refer to holy Scripture as providing the first revelation of God's will to man. Rather, it notes that man himself, created in the image of God, reflects a moral nature analogous to his Life-giver. The Confession declares that God created man "with reasonable and immortal souls, endued with knowledge, righteousness, and true holiness, after His own image; having the law of God written in their hearts, and power to fulfil it: and yet under a possibility of transgressing, being left to the liberty of their own will, which was subject unto change" (*WCF* 4.2; cf. 19.1, and *LC* 17). Man therefore is created with moral quality, ability, and liberty. This is what makes him a capable moral agent, and as such is morally culpable for his actions. The ability of man to be morally obligated is founded on the fact that the law of God

is written in his heart. Says Samuel Rutherford, “the law of Nature hath all its obligations from God, who wrote it in the heart” (*Spirituall Antichrist*, 2.6).

The Confession fully recognises the effects of original sin: the corrupted nature of the first parents is conveyed to their posterity by ordinary generation (*WCF* 6.3; *LC* 26), and this corruption renders all men “utterly indisposed, disabled, and made opposite to all good, and wholly inclined to all evil” (*WCF* 6.4; cf. *LC* 25). Sin has so defaced the image of God in man as to take away the power and inclination to obey God’s law, but it has not removed the ability to apprehend good and evil: “This law, after his fall, continued to be a perfect rule of righteousness” (*WCF* 19.2)...

The fall into sin was not understood to have taken away the apprehension of what is good and bad, but merely the inclination to do the good required by the law. Thomas Goodwin, and speaking of the work of the law and sinful man says, “it works there, and all truth would break out in practice, if men did not ‘imprison it’ (so Rom. i.18).” The dictates of the law continue; it is only delight in the law which has been viciated by the fall into sin.

This emphasis on *natural law*, a law that imposes itself on all men by virtue of creation, is seen by the theonomic advocate to be another version of autonomy. Rousas Rushdoony calls natural law “heretical nonsense” (*Institutes*, 9). He claims, “For the Bible, there is no law in nature, because nature is fallen and cannot be normative;” accordingly, it is alleged that natural law can only reflect “the sin and apostasy of man” (10). Natural law is seen by Greg Bahnsen to be “a projection of autonomy and satisfaction with the status quo” (*TICE*, 399). He provides one of two alternatives for those who maintained that natural revelation can serve as a standard of judgement: “this either amounts to preferring a sin-obscured edition of the same law of God or to denying the unity of natural and special revelation” (399, 400). Because natural revelation is suppressed in unrighteousness by the sinner, the theonomist alleges that it cannot be recognized as “functional measure of his ethical obligation” (400). This eventually leads to a faulty interpretation of Westminster’s approval of natural law: “The Westminster divines did not expect *natural law* to be a *moral* authority, and they viewed natural revelation as identical in its demands with special (redemptive) revelation” (545).

The fact remains, however, that the Westminster divines *did* appeal to the natural law as possessing moral authority....

Besides ascribing to reason the power to draw moral conclusions, these divines also say that such moral conclusions “urge the Consciences of Men, where the Scripture is silent, or is not heard in the case” (*Sabbath Vindicated*, 158). The law of nature, then, is thought to possess moral authority to which appeal can be made without reference to Scripture. Samuel Rutherford calls the law of nature written in man’s heart and the light of the Word “two candles that God has lighted” for the direction of the conscience.

There is obviously a fundamental point of difference between the view of Westminster and that espoused by theonomists as to the sufficiency of the light of nature. It is observed by J. V. Fesko and Guy M. Richard, who have appraised the writings of William Twisse, Samuel Rutherford, Anthony Tuckney, and Thomas Goodwin, that “the Westminster Confession and the divines that composed the document accept a natural theology to a greater degree than present-day Reformed theologians.” They explain that “there is continuity between a natural theology of Aquinas, the Reformation, and post-Reformation periods;” “natural theology provides unregenerate man with general principles of ethics and conduct” (“Natural Theology,”

260). The divines accepted a limited function of human reason based on natural revelation. According to the Westminster formulary and its framers, to argue from the light of nature does not equate to providing Scripture proofs as to what God naturally demands of all men; it requires rational arguments based on moral principles to establish the point. The theonomist rules this approach out of order and thereby expresses dissent with the ethical approach of the Westminster formulary (*TCP*, 62, 63).

In order to properly analyze this section of Winzer's article, we need to look at the standard Protestant view of natural law which is reflected in the Confession; and we need to examine Van Til's discussion of natural law which has had a profound impact on the main advocates of modern theonomy. This examination is necessary, for most modern Presbyterians are not aware of the old standard Protestant view or Van Til's critique.

When Christian theologians and churchmen discuss natural law, they are *not* referring to a modern academic's concepts of scientific rules that govern the universe such as gravity, entropy or the second law of thermodynamics. They are not even discussing the Lord's wise government of providence where He sustains and controls every aspect of the universe (e.g., see Ps. 119:91; 148:6). Moreover, natural law must never be confused with the law of nations (i.e. the civil laws of the heathen nations who, not having written revelation, have used reason, custom, conscience and the determinations of government officials and philosophers to create a judicial or "moral" code for their society); or some kind of voluntary contract involving the will of the people. Rather, natural law refers to divine obligations, which are based on God's character, which have been impressed on man's conscience at the original creation. By virtue of the fact that all men are created in God's image, they have the ethical absolutes of the moral law imprinted on the very fabric of their being or consciousness. As Robert Shaw notes,

God having formed man an intelligent creature, and a subject of moral government, he gave him a law for the rule of his conduct. This law was founded in the infinitely righteous nature of God, and the moral relations necessarily subsisting between him and man. It was originally written on the heart of man, as he was endowed with such a perfect knowledge of his Maker's will as was sufficient to inform him concerning the whole extent of his duty, in the circumstances in which he was placed, and was also furnished with power and ability to yield all that obedience which was required of him. This is included in the moral image of God, after which man was created (Gen. 1:27). This law, as thus inscribed on the heart of the first man, is often styled the *law of creation*, because it was the will of the sovereign Creator, revealed to the reasonable creature, by impressing it upon his mind and heart at his creation. It is also called *the moral law*, because it was a revelation of the will of God, as his moral governor, and was the standard and rule of man's moral actions. Adam was originally placed under this law in its natural form, as merely directing and obliging him to perfect obedience. He was brought under it in a *covenant form*, when an express threatening of death, and a gracious promise of life, was annexed to it; and then a *positive* precept was added, enjoining him not to eat of the fruit of the tree of knowledge, as the test of his obedience to the whole law (Gen. 2:16, 17).⁷⁰

⁷⁰ Robert Shaw, *The Reformed Faith: An Exposition of the Westminster Confession of Faith*, 253-254.

This teaching on “natural law” is supported by a number of passages. In Romans 5:13 we read, “For until the law sin was in the world, but sin is not imputed when there is no law.” This statement enunciates a general principle that the apostle emphasized earlier: “Where there is no law there is no transgression” (Rom. 4:15). Since sin is a transgression of God’s law, it is logically obvious that if no law existed there would be no sin. Yet, sin existed universally among mankind before the giving of the law at Sinai. There is not simply the guilt of original sin but guilt from actual sins. Cain murdered his brother Abel and incurred true guilt for violating God’s law (Gen. 4:8, 11). Sodom and Gomorrah were obliterated by God for widespread homosexual behavior before Moses received the written law (Gen. 19:24-28). Moreover, Jehovah destroyed the whole world in the flood because of mankind’s violence and wickedness (Gen. 7:10-24). Therefore, even though the law given at Sinai, with its clear moral commandments, did not as yet exist, there was the moral law of nature.

This innate moral endowment is even more clearly set forth in earlier chapters of Romans. In 1:18-21, 32 we read,

For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who suppress the truth in unrighteousness, because what may be known of God is manifest in them, for God has shown it to them. For since the creation of the world His invisible attributes are clearly seen, being understood by the things that are made, even His eternal power and Godhead, so that they are without excuse, because, although they knew God; they did not glorify him as God, nor were thankful, but became futile in their thoughts, and their foolish hearts were darkened. Professing to be wise, they became fools, and changed the glory of the incorruptible God into an image made like corruptible man—and birds and four-footed animals and creeping things. Therefore God also gave them up to uncleanness, in the lusts of their hearts, to dishonor their bodies among themselves, who exchanged the truth of God for the lie, and worshiped and served the creature rather than the Creator, who is blessed forever. Amen. ... Who, knowing the righteous judgment of God, that those who practice such things are deserving of death, not only do the same but also approve of those who practice them.

The theme of Romans 1:18-3:20 is on the universality of sin and God’s just condemnation of all apart from Christ. Both Jews and Gentiles are under the guilt and the power of sin. In verses 18 to 32, he points out the guilt and depravity of the Gentiles. Even though the Gentiles do not have special revelation, they are guilty because they deny general revelation or the revelation of the true and living God that is revealed in the natural order. This natural revelation is so clear that Paul says that men are without excuse (v. 20). Nature reveals such clear information about the true God, that all men have enough knowledge to condemn them for suppressing this truth in their consciousness and creating false gods. Their knowledge of nature renders them guilty of violating the first two commandments. This knowledge is not enough to save them but rather to condemn them, because they reject it and deliberately suppress it to serve idols.

These verses are not dealing with God’s revelation of the law within man as later in 2:15 but rather what is manifested unto them by God from without in the works of creation. Jehovah’s

handiwork proves that God exists and is worthy of worship and service. This exterior revelation to us is also in us because it is appropriated by our consciousness (our mind and heart). The things that God has made observable to our senses (the visible creation) revealed by implication or logical deduction that which is invisible (the true God's "eternal power and divinity"). (When we stand on a floor of a house, we cannot see the large boards that hold up the floor. The fact that the floor exists and holds the weight of furniture and many people proves the existence of the floor's substructure.)

This knowledge of the true God, however, does not mean that unbelievers can come up with good and just laws regarding the first table of the law without special revelation, for Paul tells us that depraved man has two reactions against this natural revelation of God. First, we are told that instead of acknowledging God's eternal power and divinity, ascribing to God the glory that is His due and showing gratitude for His marvelous creation, man constantly suppresses the truth in unrighteousness (v. 18). The verb translated "suppress" carries the idea of holding the truth down. It is deliberately kept out of one's thoughts and worldview because of man's unrighteousness. The tense implies a continuous action or an action in progress. Unregenerate man will not consider the true God even for a moment. This explains why there are no heathen cultures that have laws that reflect the first table laws in the Mosaic code.

Second, they "exchanged the truth of God for the lie" (v. 25). This is their methodology of suppression. By rejecting the truth revealed in nature regarding God, they became futile in their hearts. Their analysis of reality became "senseless" or "without understanding." In their rejection of God they embraced irrationality and absurdity. Moreover, their hearts "were darkened." "The thought is that the heart as the seat of feeling, intellect, and will, already destitute of understanding, was darkened."⁷¹ Unbelievers live under the oppression of a self-imposed ignorance and irrationality. While all the created facts point to the one true Creator God, they devise incredibly unscientific, absurd theories to avoid the clear and obvious truth. By pretending to be wise, by following their anti-God presuppositions that distort and pervert their analysis and understanding of the meaning and significance of the created order, they made themselves into complete fools (v. 22). Paul goes on to explain that this involves rejecting God for the basest forms of idolatry.

From this passage, we learn a number of things that are important for our discussion of natural law. (1) Even though the created order is fallen, it still reveals the true and living God in such a clear manner that all men are without excuse for suppressing this truth and worshiping idols. (2) Unsaved man's knowledge of God is a suppressed knowledge that results in man being devoid of understanding and ignorant. Because man has placed blinders on his own eyes, he groups about in the darkness like a drunken fool. (3) Therefore, one cannot expect fallen, unsaved men to develop a reliable system of natural theology. One who dwells in darkness and continually suppresses the truth because of sin and depravity cannot develop just or properly informed civil laws related to the worship of the true and living God. Paul uses natural revelation

⁷¹ John Murray, *The Epistle to the Romans* (Grand Rapids: Eerdmans, 1959, 65), 1:42.

to condemn those without special revelation. He does not appeal to it as an autonomous source of theology or ethics for civil magistrates.

It is critical that we understand the importance of Romans 1:18ff as proving the true guilt and exceptionally serious rebellion of fallen, unsaved man. Although unbelievers may have never heard the gospel or seen a Bible, they nevertheless have knowledge of the true God. It is important that we recognize that there are two senses in which people can know God. By virtue of man's creation in God's image and the revelation of God in all the created facts around him, he cannot escape this true or real intellectual knowledge. This means that all men who are not Christians, who have never heard the gospel, sin against better knowledge. On the day of judgment, they cannot claim ignorance of the truth as an excuse for sin. Men never commit sin in a vacuum; sin is always sin against the revelation of God in some form. Christians, however, know God in a different sense; for when they lay hold of Christ by faith through special revelation and a sovereign work of the Holy Spirit, they know intellectually without any rebellious suppression and they know experimentally. In other words, they both know and love God through Christ. The unbeliever cannot see the truth until the Holy Spirit opens his eyes and enables him to repent and believe in the Savior. Unbelievers simultaneously know God in a hateful, rebellious, continuously suppressed manner (and thus willfully choose to interpret reality in an anti-God manner, for the suppression always manifests itself in some form of idolatry) and do *not* know Him savingly, covenantally or lovingly. Van Til writes, "Every man, at bottom, knows that he is a covenant-breaker. But every man acts and talks as though this were not so.... His conscience troubles him when he disobeys; he knows deep down in his heart that he is disobeying his Creator.... [Sinners] do not want to keep God in remembrance. They keep under the knowledge of God that is in them. That is, they try as best they can to keep under this knowledge for fear they should look into the face of their judge."⁷² Obviously, a person who lives in self-imposed darkness, ignorance and self-deception; who, in his suppression of the truth, always creates idols, cannot be expected to form laws consistent with the first table of the Ten Commandments. People who look to natural law theory, therefore, never appeal to heathen law codes or the laws of nations for just first table laws. There is simply nothing there.

In addition, the fact that we are discussing a suppressed knowledge means that we cannot accept the natural theology popularized by Thomas Aquinas. Those who follow natural theology do not take the effects of the fall on man's consciousness seriously. They believe that *without* Scripture and the internal illumination of the Holy Spirit, unbelievers can have a certain measure of moral and spiritual truth that is acceptable to God; that believers and unbelievers can have a basic agreement. The unbeliever has the bottom story of the house but he needs divine revelation to complete the house and make it whole. Therefore, they see the difference between a believer's knowledge and an unbeliever's as primarily one of quantity. Romans 1:18ff teaches us that unregenerate man's response to God's revelation of Himself in nature is not a natural theology but rather a system of humanistic idolatry. Paul adds a little later in the epistle, "There is none

⁷² Cornelius Van Til, *The Defense of the Faith* (Philadelphia: Presbyterian and Reformed, 1955), 111, 257, 259 (emphasis added).

who seeks after God” (Rom. 3:11; cf. Ps. 14:2-3).⁷³ A man who is a covenant breaker by nature, who suppresses the truth in unrighteousness and creates idols of his own imagination, is not building the bottom story of the house with reason and empiricism; he is, rather, tearing the truth about God to pieces and burying it deep underground—out of sight.

Romans 2:14-15

But what about Romans 2:14-15 (“For when Gentiles, who do not have the law, by nature do the things in the law, these, although not having the law, are a law to themselves, who show the work of the law written in their hearts, their conscience also bearing witness, and between themselves their thoughts accusing or else excusing them”)? Does it not clearly teach an accessible, usable form of natural revelation within man himself? Before we answer that question it needs to be pointed out that the Confession of Faith uses Romans 2:14-15 as a proof text for 21:1: “God gave to Adam a law, as a covenant of works.” We are further informed that the “law, after his fall, continued to be a perfect rule of righteousness, and, as such, was delivered by God upon Mount Sinai, in the ten commandments” (19:2). Again we are told this is the “moral” law (19:3). In addition, we are informed that this moral law does always bind not only “in regard” of the matter but also by reason of the authority of God the Creator who gave it (19:5). The Standards recognize the existence of natural law in 21:7: “As it is of the law of nature, that, in general, a due proportion of time be set apart for the worship of God...” (this is a reference to Romans 1:18 which teaches that God is manifested or revealed in nature). By the law of nature,

⁷³ That John Calvin rejected medieval notions about natural theology can be seen in his commentary on Romans and his *Institutes of the Christian Religion*. On Romans 1:20 he writes, “So that they are inexcusable. It hence clearly appears what the consequence is of having this evidence—that men cannot allege anything before God’s tribunal for the purpose of showing that they are not justly condemned. Yet let this difference be remembered, that the manifestation of God, by which he makes his glory known in his creation, it is, with regard to the light itself, sufficiently clear; but that on account of our blindness, it is not bound to be sufficient. We are not however so blind, that we can plead our ignorance as an excuse for our perverseness. We can see that there is a Deity; and then we conclude, that whoever he may be, he ought to be worshiped: but our reason here fails, because it cannot ascertain who or what sort of being God is. Hence the Apostle in Heb. xi.3, ascribes to faith the light by which man can gain real knowledge from the work of creation, and not without reason; for we are prevented by our blindness, so that we reach not to the end in view; we yet see so far, that we cannot pretend any excuse. Both these things are strikingly set forth by Paul in Acts xiv.17, when he says, that the Lord in past times left the nations in their ignorance, and yet that he left them not without witness (*hamarturon*) since he gave them rain and fertility from heaven. But this knowledge of God, which avails only to take away excuse, differs greatly from that which brings salvation, which Christ mentions in John xvii.3, and in which we are to glory, as Jeremiah teaches us, ch. ix.24.” (*Commentaries on the Epistle of Paul the Apostle to the Romans* [Grand Rapids: Baker, 1980], 71). The *Institutes* reads, “As experience shows, God has sown a seed of religion in all men. But scarcely one man in a hundred is met with who fosters it, once received, in his heart, and none in whom it ripens—much less shows fruit in season.... All degenerate from the true knowledge of him.... I do not mean by this that their ingenuousness should free them from blame. For the blindness under which they labor is almost always mixed with proud vanity and obstinacy. Indeed, vanity joined with pride can be detected in the fact that, in seeking God, miserable men do not rise above themselves as they should, but measure him by the yardstick of their own carnal stupidity, and neglect sound investigation; thus out of curiosity they fly off into empty speculations. They do not therefore apprehend God as he offers himself, but imagine him as they have fashioned him in their own presumption” (*Institutes of the Christian Religion*, ed. John T. McNeill, trans. Ford Lewis Battles [Philadelphia: Westminster, 1960], 1.4.1, 1:47).

the Standards do not mean that we can develop moral precepts by studying the laws of nature. “This is called the *jus gentium*, the law of the nations. The laws and customs of civilizations all over the world, in different times and different places, are examined to find a common thread of basic moral precepts. The theory is that one can learn these from nature.”⁷⁴ It means that God is revealed in the natural order (Rom. 1:18ff) and it can refer to the law written on man’s heart (Rom. 2:15).

As we look at these verses, it is important to keep in mind the context. Paul is in the middle of his argument that, apart from Jesus Christ, the whole human race (both Jews and Gentiles) is guilty of sin. The apostle is laying the groundwork on why men must believe in Christ or be condemned to hell. The judgment of Jehovah against sin is certain. In chapter 2 we learn that this judgment is according to truth (v. 2); is proportionate to the sin committed (v. 5); is according to righteousness or God’s justice (v. 5); is impartial (v. 11); and is according to everyone’s deeds (vs. 6-10, 12-15). That the Jews are guilty is obvious in that they received a written law at Mount Sinai and disobeyed it. But what about those who have never even heard of God’s law? The Gentiles did not have written revelation. Yet, Paul says, “For as many as have sinned without the law will also perish without the law” (v. 12). The reason they are guilty is that even though they do not have written special revelation, they do have the original moral law on the heart. From this we need to note the following.

First, this verse tells us that the original divine obligation impressed on the conscience of man at creation, that enables us to tell the difference between right or wrong, is not completely obliterated by the fall. Although it has, in many ways, been corrupted and obscured by sin, every single human being from the Greek philosopher to the African bushman to the serial killer can feel its force to one degree or another. It is part of our humanity and cannot be avoided.

Second, this inner code of conduct given at creation, being part of our nature as beings created in the image of God, is based directly on God’s nature. God who is holy and righteous imprinted the moral principles of the Ten Commandments on our minds so that, before the fall, man would naturally follow virtue instead of vice. If Adam had not fallen, he and his posterity would have automatically known what God wanted to be done and what things should be avoided. This is scriptural proof that: a) man is not born a blank slate but has intrinsic moral motions; b) man is a unique creature—above the brute beast; and, c) man is born as a being fully responsible for his actions, whether good or evil.

Third, mankind, no matter how hard they run away from the true God and the moral law, cannot escape the fact that: a) ethical absolutes exist; b) the violation of these ethical absolutes results in real guilt; c) this guilt will result in the judgment of God. Unbelievers feel the anguish of conscience and experience torments of their soul, for the law within tells them “the judgment of God, that they would commit such things are worthy of death” (Rom. 1:32); d) all men exist under the authority and government of God; and, e) all laws of man that contradict the natural or moral law are a wicked abuse and rejection of God-given light. Men and civil governments sin

⁷⁴ R. C. Sproul, *Truths We Confess: A Layman’s Guide to the Westminster Confession of Faith* (Phillipsburg, NJ: Presbyterian and Reformed, 2007), 2:261.

by violating specific moral laws and they are also guilty of wickedly suppressing natural law. They are guilty of searing their own consciences with a hot iron (1 Tim. 4:2). Unbelievers give themselves over to futility and darkness because they want to serve their sinful lusts. As Paul says, “The Gentiles walk in the futility of their mind, having their understanding darkened, being alienated from the life of God, because of the ignorance that is in them, because of the blindness of their hearts; who being past feeling, have given themselves over to lewdness, to work all uncleanness with greediness” (Eph. 4:17-19).

Fourth, this verse explains why the heathen nations have some laws that reflect true justice. In the revealed moral law, the duties required of man are clearly, distinctly and fully declared. The duties revealed in natural law are obscured by sin and imperfectly declared because many details have been lost and obliterated by the fall and further darkened by the vanity and wickedness of man (Rom. 1:20ff). In our discussion of Romans 1:18ff, we saw that man, in his rebellion, suppresses the truth about God and thus is given over to a debased life. The truth of natural law remains, but man trains himself to suppress and pervert it. Even though men are depraved, all cultures generally condemn murder, theft, fraud, kidnapping and the like. Gentiles sometimes do what is right. Men, by nature or a spontaneous impulse from their own being, as made in the image of God, on occasion follow the good. But men do not do such things to please or glorify God. Their outward obedience and occasional (partially) just laws are done in a spirit of sinful autonomy. Not being of faith, even the outwardly good acts of the heathen are sinful. As Paul notes, “That which is not of faith is sin” (Rom. 14:23); he adds, “Because the carnal mind is enmity against God; for it is not subject to the law of God, nor indeed can be. So then, those who are in the flesh cannot please God” (Rom. 8:7-8).

The nations that are not blessed with the gospel and special revelation must make do as best they can with natural law. Due to sin and the fall, pagan nations historically have had very defective systems of justice. Some of the common errors are: (1) a universal neglect of first table requirements; (2) justice systems that mete out justice differently based on social class, status, race and gender; (3) penalties that are often far too harsh or too lenient for certain crimes; (4) the rise and development of laws that support statism and idolatry; (5) the tendency for laws to change and evolve as opinions in society change. The Puritans and early Presbyterians believed that: a) due to the fall only those who were regenerate and studied their Bibles could faithfully analyze and apply natural law; and, b) once a society was blessed with the light of the gospel and special revelation, it was obligated to form its laws based on special revelation. They never argued for states to ignore biblical law and instead follow natural law, for they believed they were the same law. Therefore, the modern theologian’s rejection of natural law as a guide for social justice would not result in any differences between their application of the Old Testament moral laws and the early Presbyterians’; both believe that a Christian nation must form its laws from Scripture alone.

Fifth, that Paul is not advocating natural law as an alternative to special revelation is proved by the manner in which he states the Gentiles possess this knowledge. “Paul does not say that the law is written upon their hearts. He refrains from this form of statement apparently for

the same reason as in verse 14 he had said that the Gentiles ‘do the things of the law’ and not that they did or ‘fulfilled the law.’ Such expressions as ‘fulfilling the law’ and ‘the law written upon the heart’ are reserved for a state of heart and mind and will far beyond that predicated of unbelieving Gentiles.... ‘The work of the law’ is to be taken collectively and is practically equivalent to ‘the things of the law’ (vs. 14).”⁷⁵ The apostle does not want to give the impression that the original law written on Adam’s heart has not been affected by the fall or by lives lived in habitual sin. There is enough within fallen man to condemn him before God, but it is so obscured and marred by sin, no one thinking logically would argue that it is sufficient to form a comprehensive, just body of laws. If it were, there would have been no reason for Jehovah to give Israel the moral law in the form of special revelation.

Sixth, the Bible explicitly teaches that regeneration and union with Christ is necessary for humans to know anything as they ought to know it or to do any works that are pleasing to God. The word of God recognizes the vanity and foolishness of unbelieving thought and thus tells us to “cast down reasonings and every high thing exalted against the knowledge of God,” that we must “bring every thought captive to the obedience of Christ” (2 Cor. 10:5). After all, in Christ “all the treasures of wisdom and knowledge are deposited” (Col. 2:3). Believers must have their minds renewed and must presuppose the truth of God’s word from start to finish in order to interpret and understand facts correctly. Unbelievers still have the work of the law written on their hearts but they are so corrupt ethically, covenantally and epistemologically that they, as it were, stumble into various truths as a blind man stumbles into a chair. Since “the fear of the LORD is the beginning of knowledge” (Prov. 1:7), sinful rebels are in no moral or intellectual position to develop just, comprehensive bodies of laws. Even the greatest philosophers of Greece were statisticians who applied laws in an unjust and arbitrary manner. Recognizing that “the foolishness of God is wiser than man” (1 Cor. 1:18, 25), we agree with the theologian that autonomous human reason cannot be trusted to tell us the truth about reality, meaning or justice.

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⁷⁵ John Murray, *The Epistle To the Romans* (Grand Rapids: Eerdmans, 1959, 65), 1:74-75.

