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## **"Cross-Examination: A Biblical Standard for Civil Law"**

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Each month the "Cross-Examination" column presents a summary statement of a Reformed and Reconstructionist conviction in theology or ethics, and then offers brief answers to common questions, objections or confusions which people have about that belief. Send issues or questions you would like addressed by Dr. Bahnsen to the editor.

## We Believe

The finest expression of the theology of God's inspired word -- its "pattern of sound words" -- can be found in the masterful, systematic expression of Reformed theology known as the "Westminster Confession of Faith." This year marks the 350th anniversary of the English Parliament's convening of 121 godly theologians from the entire realm (and later, eight commissioners from Scotland) to the Westminster Assembly.

In the Confession of Faith which they produced over twenty-seven months, we read this statement about the particular issue of the modern use of the civil laws of the Old Testament (or Mosaic) dispensation: "To them [the people of Israel] also, as a body politick, he gave sundry judicial laws, which expired together with the state of that people, not obliging any other now, further than the general equity thereof may require" (19.4).

This "theonomic" affirmation of our Puritan and Reformed forefathers is widely deemed an embarrassment in contemporary theological circles. Our culture finds it abhorrent to think that the Old Testament civil laws express moral absolutes about which God has had no change of mind. And many theologians and pastors also find those Old Testament civil laws outlandish and unworkable, thus being an embarrassment which (they argue) has been abrogated under the New Testament. Obviously the Puritans did not feel this modern shame. They honored the holiness of God's law as a reflection of His own personal righteousness and justice.

The Westminster divines clearly understood that the historical and cultural form of the Old Testament judicial laws was appropriate to the day and age -- and specifically for the political body -- for which they were originally revealed. Nevertheless, the underlying principle which those laws set forth was perpetually required, they confessed, being a declaration of the way in which the Decalogue is to be understood and applied. (The Ten Commandments were but "the summary" of "the moral law," according to Larger Catechism #98). Accordingly, the puritans aimed to make the laws of Scripture (including the Old Testament) -- where they address civil magistrates or judges -- the law of their own land. We believe that this should be our aim today as well, for there are no laws as wise and just those delivered by Moses (cf. Deut. 4:6-8).

## Examination

Question: "But I have been told that the Westminster Confession, section 19.4, stands against theonomic ethics since we read that the judicial laws have expired."

Answer: That is a very careless reading of the Confession, one which runs quite contrary to the literary and historical contexts in which the words of 19.4 were written and adopted.

Look at the literary context of the Confession and Catechisms themselves. According to 20.1, has the liberty of New Testament believers been enlarged by freedom from the judicial law? Not at all, but only by freedom from "the ceremonial law." We read in 19.3 that the ceremonial law has been "abrogated," but in 19.4 that the judicial law has simply "expired" -- due to the expiration of that "political body" for which they were written.

This leaves open the question whether the underlying moral principles of those judicial laws are still required today. And the Puritans unmistakably believed that they are since they are readily cited in the Larger Catechism's exposition of the sins and duties encompassed in the Ten Commandments. As 19.4 explicitly says: this "general equity" is today "required."

Look at the historical context in which these words were written by the Westminster theologians.

Like John Calvin himself, the Swiss Reformer Heinrich Bullinger had held that "the substance of God's judicial laws is not taken away or abolished." This was a commonly held view both prior to, and in the generation of, the Westminster Assembly. Thomas Cartwright wrote about the judicial law that the magistrate should "keep the substance and equity of them (as it were the marrow)," though he might "change the circumstance of them as the times and places and manners of the people shall require." Thomas Pickering held that witches may be punished with death "by the law of Moses, the equity whereof is perpetual." Henry Barrow saw them as "the true exposition and faithful execution of [God's] moral law," asserting that these "laws were not made for the Jews' state only." Philip Stubbs upheld the penal code of Moses, saying "which law judicial standeth in force to the world's end."

Shortly after the Westminster Assembly, in 1652 John Owen preached before Parliament: "doubtless there is something moral in those [Old Testament] institutions, which being unclothed of their Judaical form, is still binding to all in the like kind." Thomas Gilbert in 1648 argued that the judicial law "is still the duty of Magistrates."

The most significant evidence for how the Puritans understood this comes from the pen of George Gillespie, the Scottish delegate to the Westminster Assembly itself and universally regarded as the most influential and authoritative theologian there. While attending the Assembly in 1644, Gillespie published a tract, "Wholesome Severity Reconciled with Christian Liberty."

Addressing the question "whether the Christian Magistrate is bound to observe the judicial laws of Moses," Gillespie wrote "he is obliged to those things in the judicial law which are unchangeable and common to all nations." In particular, "the Christian magistrate is bound to observe these judicial laws of Moses which appoint the punishments of sins against the moral law." It was

Gillespie's weighty opinion that "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."

Should the judicial laws be treated in the same way as the ceremonial law? "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." For Gillespie, then, "he who was punishable by death under the judicial law is punishable by death still."

What the church and our culture need today is more theologians of principle and Biblical consistency like our Puritan forefathers at the Westminster Assembly. Then we might hope to provide an inspired and righteous answer to the pressing socio-political problems of our day. The Puritans were not ashamed of the law of God, even its civil applications. Let us not be ashamed of the tough but God-honoring insights of the Puritans.