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## ARTICLE

# THE AUTHORITATIVENESS AND USEFULNESS OF THE PRINCIPLES OF GOD'S OLD COVENANT LAW FOR THE NEW COVENANT CHURCH AND STATE

*Benjamin S. Walton*<sup>†</sup>

### I. INTRODUCTION

One unfortunate characteristic of a large sector of the modern evangelical church is the way it has minimized the Old Testament Law and its authoritativeness and usefulness for modern Christians. It is the purpose of this Article to encourage a deeper respect for the Law of God and to examine briefly the foundational role that God's Law should play in Christian legal philosophy. Accordingly, this Article will consider, in Part II, the biblical and historical views on the authority of God's Law in the new covenant era. Part III will examine specific principles from the Old Testament Law that apply to the modern Church. Part IV will then consider various principles from the Old Testament Law that apply to the modern state. Part V will discuss what the Old Testament teaches about church-state relations. Part VI will briefly conclude.

### II. THE AUTHORITY OF GOD'S LAW FOR CHURCH AND STATE

This Part will consider, first, the biblical teaching on the general validity of God's Law in the new covenant era. Second, this Part will examine the views of various Christians throughout Church history regarding the continuing applicability of the Law's principles.

#### *A. The General Validity of God's Law in the New Covenant Era*

Perhaps the best place to begin in any examination of the continuing relevance of God's Law is Jesus' words themselves about the Law. Additionally, it is also critical to consider the broader context of the teachings of both the New Testament epistles and the Old Testament itself concerning the Law of God.

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### 1. God's Law According to Jesus

Jesus was not silent about the Old Testament Law. Rather, He directly addressed the Law in His Sermon on the Mount, clarifying His official stance and attitude towards the Law forthrightly and unequivocally in *Matthew* 5:17-18: "Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfill. For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled."<sup>1</sup> There are several words here that merit close inspection. First, the word translated "destroy" is the Greek word *kataluo*, which carries the connotation of disintegrating or demolishing.<sup>2</sup> At the outset of His ministry, Jesus is warning His listeners not to think that He has come to do away with the Law or the Prophets. Whatever the work of Christ has done to affect the Law, it cannot be said to have destroyed the Law, demolishing *in toto* its continuing significance or applicability. This is precisely what Jesus explained He was *not* coming to do. As theological scholar Greg L. Bahnsen observes, "In *Matthew* 5:17 Jesus uses a vivid metaphor (drawn from the language sphere of physical objects) to teach that His relationship to the law is *not* one of invalidation or abrogation."<sup>3</sup>

A second word in verse seventeen that is worthy of examination is the word "but." In Koine Greek, there are at least two different conjunctions indicating contrast: *de* and *alla*, both of which are often translated "but."<sup>4</sup> However, *alla* is the stronger of the two, indicating a starker and more distinctive contrast.<sup>5</sup> Jesus did not use the word *de* in *Matthew* 5:17, which might indicate a mere casual contrast or simple distinction. Rather, He used

1. *Matthew* 5:17-18 (King James Version). All Scripture quotations herein are from the King James Version, unless otherwise noted. Some capitalization and spelling has been modified to improve readability.

2. Strong's classic dictionary of Greek New Testament words defines *kataluo* as follows: "to loosen down (*disintegrate*), i.e. (by impl.) to *demolish* (lit. or fig.); spec. . . . to halt for the night." *The New Strong's Expanded Dictionary of the Words in the Greek New Testament*, in JAMES STRONG, THE NEW STRONG'S EXPANDED EXHAUSTIVE CONCORDANCE OF THE BIBLE 131 (rev. ed. 2001) [hereinafter *Strong's*]. *Kataluo* is translated as "destroy," "dissolve," "be guest," "lodge," "come to nought," "overthrow," and "throw down." *Id.* Greg Bahnsen notes that *kataluo* "is particularly used of the destruction, pulling down, of an established building." GREG L. BAHNSEN, THEONOMY IN CHRISTIAN ETHICS 49 (3d ed. 2002) (citing *Matthew* 24:2; 26:61; 27:40; *Mark* 13:2; *Luke* 21:6; *Acts* 6:14; 2 *Corinthians* 5:1; *Galatians* 2:18).

3. BAHNSEN, *supra* note 2, at 50.

4. *Strong's*, *supra* note 2, at 14, 63; *cf.* BAHNSEN, *supra* note 2, at 67-68.

5. See BAHNSEN, *supra* note 2, at 58 (noting that "one must take account of the strong adversative [*alla*] standing between [*kataluo*] and [*pleroo*]"); *id.* at 68.

the word *alla*, which indicates a strong contrast, highlighting His intended juxtaposition of “destroying” with “fulfilling.” The word “fulfill,” therefore, must mean something in stark contrast to “destroy.”<sup>6</sup>

The third word that merits close attention in *Matthew 5:17* is the word “fulfill.” The Greek word here is the word *pleroo*, which means “to *make replete*, i.e. (lit.) to *cram* (a net), *level up* (a hollow), or (fig.) to *furnish* (or *imbue, diffuse, influence*), *satisfy*, *execute* (an office), *finish* (a period or task), *verify* (or *coincide* with a prediction), etc.”<sup>7</sup> There is no compelling reason to interpret *pleroo* here to mean something similar to the idea of destroying, demolishing, or delegitimizing. This is what *kataluo* means, but as we have seen, *pleroo* in *Matthew 5:17* must mean something in stark contrast to *kataluo*. From the basic definitions of the word, there is no necessity to interpret *pleroo* as meaning anything other than simply filling up, satisfying, or verifying. As Bahnsen observes, *pleroo* in *Matthew 5:17* should be interpreted to mean “confirm,” “establish,” “validate,” or “ratify.”<sup>8</sup>

Bahnsen proposes the following translation of *Matthew 5:17*: “Do not (begin to) think that I came in order to abrogate the law or the prophets; I did not come to abrogate *but* to confirm.”<sup>9</sup> As John Calvin stated, Jesus in *Matthew 5:17* “is so far from departing from the former covenant, that on the contrary, he declares that it will be confirmed, and ratified, when it shall be succeeded by the new.”<sup>10</sup> Jesus was making clear to His listeners at the beginning of His earthly ministry exactly what stance He took vis-à-vis the Old Testament Law: He did not come to do away with it, but to add His “Amen!” to it. Indeed, if Jesus is in fact Yahweh, then what else should we expect Him to say? Jesus was the God who gave the Law to Moses on Mount Sinai. Thus, if God cannot contradict Himself, and if Jesus is truly “the same yesterday, and to day, and for ever,”<sup>11</sup> we should expect nothing

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6. *See id.* at 67-68.

7. *Strong's, supra* note 2, at 204. *Pleroo* is translated in many various ways, some of which include “accomplish,” “complete,” “end,” “fill,” “be full,” “fulfil,” “fully preach,” and “perfect.” *Id.*

8. BAHNSEN, *supra* note 2, at 70-74; *see also id.* at 54-74 (discussing and evaluating various proposed interpretations of *pleroo* in *Matthew 5:17*).

9. *Id.* at 73.

10. 1 JOHN CALVIN, COMMENTARY ON A HARMONY OF THE EVANGELISTS, MATTHEW, MARK, AND LUKE 277 (William Pringle trans., William B. Eerdmans Publishing Co. 1845) (1555); *see also* C.H. SPURGEON, THE GOSPEL OF THE KINGDOM: A POPULAR EXPOSITION OF THE GOSPEL ACCORDING TO MATTHEW 25 (London, Passmore & Alabaster 1893) (noting that Jesus established, confirmed, and reasserted the law of God, not abrogated it).

11. *Hebrews* 13:8.

less than that Jesus would openly and unashamedly confirm the validity and everlasting authority of His own Law-Word.

Another place where Jesus reaffirms the continuing authority of God's Law is in *Mark 7:6-13*, where Jesus confronts and rebukes the Pharisees for nullifying the commandments of God's Law. Jesus accuses the Pharisees and scribes of "laying aside the commandment of God" and holding instead "the tradition of men."<sup>12</sup> The particular example Jesus uses in His rebuke here is intriguing. Not only does Jesus recall the Fifth Commandment in general (requiring honor for parents), but He also cites a specific case law, or judicial law, from the Torah: "Whoso curseth father or mother, let him die the death."<sup>13</sup> In other words, Jesus is castigating the Pharisees not simply for failing to obey the Ten Commandments, but for ignoring and trying to skirt around the requirements of the specific case laws of the Old Testament. He proceeds to characterize this move by the Pharisees as "[m]aking the word of God of none effect through your tradition."<sup>14</sup> Thus, it is apparent that Jesus had a high respect not only for the Ten Commandments, but also for the "jots and tittles" of the Old Testament case laws themselves.<sup>15</sup>

## 2. God's Law According to the Apostles

Undertaking an exhaustive exposition of the New Testament's treatment of the Law is well beyond the scope of this Article. However, a brief examination of the way in which the Apostles viewed the Old Testament Law is appropriate at this point.

Importantly, it should be made clear that this Article does not dispute the traditional Protestant doctrine of justification by faith apart from the works of the Law, as taught in the New Testament epistles. Rather, this Article's focus is on the applicability of the Law not as a means of salvation, but as a standard for sanctification. In other words, Christians must have a moral and ethical standard for their behavior, and they must have a moral and ethical standard for the operation and interrelation of the institutions of church and state. This Article proposes looking to the principles of God's Law to find such standards. But what would the apostles say?

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12. *Mark 7:8*; see also *id.* 7:9 ("Full well ye reject the commandment of God, that ye may keep your own tradition.").

13. *Id.* 7:10.

14. *Id.* 7:13.

15. For a brief overview of Jesus' teachings on the Old Testament Law, see GREG L. BAHNSEN, *BY THIS STANDARD: THE AUTHORITY OF GOD'S LAW TODAY* 89-91 (1985).

In *Romans* 3:31, Paul unequivocally states, “Do we then make void the law through faith? God forbid: yea, we establish the law.”<sup>16</sup> Interestingly, Paul uses different Greek words here for “make void” and “establish” than the words Jesus used in *Matthew* 5:17.<sup>17</sup> The word translated “make void” in this passage is *katargeo*, which means “to be (render) entirely idle (useless), lit. or fig.”<sup>18</sup> Thus, just as Jesus was affirming in the Sermon on the Mount that He did not come to destroy the Law, so also Paul here is affirming that Christians who believe the gospel do not thereby render the Law useless or superfluous. The Greek word translated “establish” in *Romans* 3:31 is the word *histemi*, which means “to stand.”<sup>19</sup> Thus, Paul is saying that by our faith we make the Law to stand, in contrast to making it useless. Paul is affirming in no uncertain terms that saving faith in Jesus Christ does not render the Law of God an unnecessary superfluity, but on the contrary, faith affirms the Law as that which continues to stand. But just what does it mean to say that the Old Testament Law still “stands” today?

Later in his epistle to the Romans, Paul explains the way in which the Law of God is made to “stand” by faith. In *Romans* 8:3, Paul reaffirms that the Law cannot save sinful man, and that Christ had to come in the likeness of sinful flesh to redeem mankind.<sup>20</sup> Then, in the next verse, Paul describes the purpose for this redemptive work of Christ: “That the righteousness of the law might be fulfilled in us, who walk not after the flesh, but after the Spirit.”<sup>21</sup> The word translated “That” at the beginning of this verse is *hina*, which means “in order that (denoting the purpose or the result).”<sup>22</sup> In other words, Paul is saying that the purpose of Christ’s redeeming us from the curse of the Law was *so that*, or *in order that*, the righteousness of the Law might be fulfilled in our lives. The word for “fulfilled” here is *pleroo*, the

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16. *Romans* 3:31.

17. See *supra* notes 1-8 and accompanying text for a discussion of the Greek words in *Matthew* 5:17.

18. *Strong’s*, *supra* note 2, at 133. *Katargeo* is translated as “abolish,” “cease,” “cumber,” “deliver,” “destroy,” “do away,” “become (make) of no (none, without) effect,” “fail,” “loose,” “bring (come) to nought,” “put away (down),” “vanish away,” “make void.” *Id.*

19. *Id.* at 122. *Histemi* is translated as “abide,” “appoint,” “bring,” “continue,” “covenant,” “establish,” “hold up,” “lay,” “present,” “set (up),” “stanch,” “stand (by, forth, still, up).” *Id.*

20. *Romans* 8:3 (“For what the law could not do, in that it was weak through the flesh, God sending his own Son in the likeness of sinful flesh, and for sin, condemned sin in the flesh . . .”).

21. *Id.* 8:4.

22. *Strong’s*, *supra* note 2, at 121.

same word Jesus used in *Matthew* 5:17 to describe the relationship between His ministry and the Law of God.<sup>23</sup> Jesus said He came to establish the Law, and Paul says that is exactly what Christ in fact did. Jesus establishes the righteousness of the Law in the hearts and lives of all those who believe in Him. Thus, the Law is not irrelevant for Christians. On the contrary, its righteousness is worked out in their lives by the regenerating and sanctifying power of the Holy Spirit. This is what it means to “walk not after the flesh, but after the Spirit.”<sup>24</sup>

Several chapters later, Paul further explains how the Law is fulfilled in the lives of individual believers. In *Romans* 13:9, Paul quotes several of the Ten Commandments and then observes that all the commandments may be summarized “in this saying, namely, Thou shalt love thy neighbour as thyself.”<sup>25</sup> He then states, “Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.”<sup>26</sup> Thus, the Law is not irrelevant to the Christian’s life, because it is the expression of love. “God is love,”<sup>27</sup> and His Law reflects His very nature. Thus, in order to understand what love looks like, the Law of God is the natural place to turn to for guidance and instruction.<sup>28</sup>

The Apostle John provides Christians with a very simple definition of sin: “sin is the transgression of the law.”<sup>29</sup> If sin is defined as that which violates God’s Law, then righteousness may correspondingly be defined as that which conforms to God’s Law. If anything that violates the Law of God is sinful, then why would anyone ignore the principles of God’s Law and attempt to find and utilize other standards of right and wrong either for personal morality or for cultural, societal, and political mores? If the Law of God is holy, just, and good,<sup>30</sup> then why would God’s people reject their Lord’s standard in search of some other standard for holiness, justice, and goodness to employ in either the personal or the corporate and societal aspects of their lives?

The Apostles present the righteous standards of the Law of God as something that can now (finally!) be realized in the lives of all believers by

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23. See *supra* notes 7-8 and accompanying text.

24. *Romans* 8:4.

25. *Id.* 13:9.

26. *Id.* 13:10.

27. *1 John* 4:8.

28. *Psalms* 119 repeatedly praises God’s Law as the source of ultimate guidance, instruction, and wisdom for walking in righteousness before God.

29. *1 John* 3:4.

30. *Romans* 7:12.

the redemptive work of Christ and the power of the Holy Spirit. They do not view the righteousness expressed in the Law as meaningless, irrelevant, or a mere thing of the past.

### 3. God's Law According to the Old Testament

Now that this Part has briefly examined some of the New Testament's teachings on the general validity of the Law, it would be remiss if it did not also survey some of the Old Testament's teachings about the Law's validity beyond the context of old covenant Israel. The Old Testament indicates that God never intended the principles of His Law to be relegated to one nation during one era in history. God's vision for the righteous standards of His Law has always been much more magnificent and far-reaching than that.

Moses himself explicitly recognized that the Law was not for Israel alone. In *Deuteronomy* 4, Moses mentions the statutes and judgments he has delivered to the people from God,<sup>31</sup> and then he tells the people that "this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people."<sup>32</sup> In other words, in this passage, Moses is explaining to Israel that the Law of God is not for their exclusive use and benefit. Rather, Israel is to be a beacon light to the rest of the Gentile world around her, demonstrating the superior wisdom of God's Law when compared to all the pagan legal and political systems of man's own devising. Moses reiterates the point even further: "And what nation is there so great, that hath statutes and judgments so righteous as all this law, which I set before you this day?"<sup>33</sup> From the very time God revealed the fullness of His Law to Israel, He intended His Law to be a model of righteous judgments to be emulated by other nations. These verses show that God did not intend His Law to be a fiendish way to harass His chosen people until He was ready to send them His Messiah and discard everything He had told them previously. On the contrary, God intended His Law to be a model of justice and righteousness for the entire world to see, admire, and emulate.<sup>34</sup>

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31. *Deuteronomy* 4:5.

32. *Id.* 4:6.

33. *Id.* 4:8.

34. One example of a king from a pagan country upholding God's Law is Artaxerxes, who sent a letter to Ezra, a prominent priest and scribe in the immediate post-exilic period of Israel's history. This letter contained several directives, one of which was as follows:

And thou, Ezra, after the wisdom of thy God, that is in thine hand, set magistrates and judges, which may judge all the people that are beyond the river, all such as know the laws of thy God; and teach ye them that know them not. And whosoever will not do the law of thy God, and the law of the king, let

The reader of the Old Testament prophets must search long and hard to find any prophecies that are repeated in more than one place within the prophetic books of the Old Testament. One notable instance in which such a repetition occurs, however, is in *Isaiah 2:2-4* and *Micah 4:1-3*. These two prophecies are almost verbatim copies of each other. Isaiah's prophecy is as follows:

And it shall come to pass in the last days, that the mountain of the Lord's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it. And many people shall go and say, Come ye, and let us go up to the mountain of the Lord, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for out of Zion shall go forth the law, and the word of the Lord from Jerusalem. And he shall judge among the nations, and shall rebuke many people: and they shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more.<sup>35</sup>

Isaiah is talking about some time in the future, which he terms "the last days," when "all nations" will come into the Lord's house for the express

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judgment be executed speedily upon him, whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment.

*Ezra 7:25-26*. Notably, Ezra did not express a nervous reticence at the thought of a Gentile king upholding the Mosaic Law in Israel. Rather, Ezra's response was simply:

Blessed be the Lord God of our fathers, which hath put such a thing as this in the king's heart, to beautify the house of the Lord which is in Jerusalem: And hath extended mercy unto me before the king, and his counselors, and before all the king's mighty princes.

*Id.* 7:27-28.

35. *Isaiah 2:2-4*. Micah's prophecy reads similarly:

But in the last days it shall come to pass, that the mountain of the house of the Lord shall be established in the top of the mountains, and it shall be exalted above the hills; and people shall flow unto it. And many nations shall come, and say, Come, and let us go up to the mountain of the Lord, and to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for the law shall go forth of Zion, and the word of the Lord from Jerusalem. And he shall judge among many people, and rebuke strong nations afar off; and they shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up a sword against nation, neither shall they learn war any more.

*Micah 4:1-3*.

purpose of learning the ways of God's Law.<sup>36</sup> The prophets hoped for the day when God's Law would not simply be for Israel, but would be for the nations. The prophetic hope was for the nations one day to hunger and inquire after God's Law, so that they could walk in the paths of the Lord. If Jesus fulfills everything His Old Testament prophets prophesied, then He fulfills this particular prophetic hope of Isaiah and Micah regarding the global impact and applicability of God's holy Law.

From the direct words of Jesus, to the teachings of the Apostles, to the declarations of Moses and the visions of the Old Testament prophets, the Law of God is not, and never has been, applicable only to old covenant Israel. Rather, the righteous principles of God's Law have always been a model for the nations of the world, and they continue to be the standard for righteousness and justice under the new covenant. Jesus did not destroy the Law. He established it, so that it can now finally come to fruition and realization through the regenerating and sanctifying power of His Spirit in His people.

#### *B. Historical Views on the Applicability of God's Law in the New Covenant Era*

While the Bible is certainly the sole infallible source of truth, it is naïve to think that modern Christians can discover and master the full breadth and depth of the teachings of Scripture without looking to those who have gone before them for help and guidance. The beliefs of our brethren from former days and centuries are valuable, instructive, and insightful. Hence, this Article will now briefly examine some of the views of previous generations within the Church regarding the relevance, authority, and applicability of God's Law, particularly with respect to the civil magistrate.

##### 1. The Views of Pre-Reformation Christians Concerning God's Law

The early Church fathers did not develop their theological beliefs as systematically and thoroughly as later generations of theologians began to do. Nevertheless, there are important insights we may glean from some of the early Church fathers. For example, Ambrose, the Bishop of Milan, withstood Emperor Theodosius I when the emperor violated God's Law by massacring approximately seven thousand people in the city of

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36. *Isaiah* 2:2-3. Peter applies a prophecy from Joel about "the last days" to the time of the early church. *Acts* 2:16-17. The author of Hebrews similarly speaks of "these last days" during the apostolic era. *Hebrews* 1:2. Thus, it seems natural and appropriate to interpret Isaiah's reference to "the last days" in *Isaiah* 2:2 as applying to the time following Christ's first advent.

Thessalonica after the governor of that city was killed.<sup>37</sup> Ambrose did not hesitate to condemn the emperor's actions as sinful, refusing to permit Theodosius to come to the Lord's Table until he repented publicly for what he had done.<sup>38</sup> Theodosius finally humbled himself and repented, and Ambrose restored him to full fellowship in the Church.<sup>39</sup> This incident demonstrates two important principles: (1) the civil magistrate is bound by principles of right and wrong that are defined by God, not by the king,<sup>40</sup> and (2) the person of the king is subject to the authority of the Church, at least in certain areas of ecclesiastical authority, such as the administration of the sacraments.

Augustine was certainly the most prominent and influential of the Church fathers, and some of his views are worth mentioning here briefly. Augustine criticized the Roman state for failing to practice true justice.<sup>41</sup> According to Augustine, true justice can be found only in submitting to God.<sup>42</sup> One may conclude from these ideas that true justice requires following God's Law as opposed to humanly devised laws, but Augustine did not enunciate this principle as clearly as some Christians in later generations would eventually do. Nevertheless, Augustine laid important seeds that would subsequently bear fruit in the theological development of biblical Christianity through the centuries.<sup>43</sup>

Legal historian Harold J. Berman has performed yeoman's work in demonstrating and exploring the significance of the legal revolution within Christendom that occurred during the late eleventh, twelfth, and early

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37. EARLE E. CAIRNS, *CHRISTIANITY THROUGH THE CENTURIES: A HISTORY OF THE CHRISTIAN CHURCH* 138 (3d rev. ed. 1996); DAVID W. HALL, *SAVIOR OR SERVANT?: PUTTING GOVERNMENT IN ITS PLACE* 185 (1996).

38. CAIRNS, *supra* note 37, at 138; HALL, *supra* note 37, at 185.

39. CAIRNS, *supra* note 37, at 138; HALL, *supra* note 37, at 185.

40. See HALL, *supra* note 37, at 185 (noting that Theodosius's repentance "illustrat[ed] that even the king was not above God's law").

41. AUGUSTINE, *THE CITY OF GOD AGAINST THE PAGANS* XIX.21, at 950-52 (R.W. Dyson ed. & trans., 1998) (A.D. 426); see also HALL, *supra* note 37, at 188.

42. AUGUSTINE, *supra* note 41, XIX.21, at 951-52 ("[W]hat justice can we suppose there to be in a man who does not serve God?"); see also HALL, *supra* note 37, at 189.

43. Hall notes that "several of [Augustine's] latter day disciples, Gelasius, Gregory the Great, and Isidore of Seville were clearly theocratic in their thought." HALL, *supra* note 37, at 191. This Article does not attempt to deal with the idea of theocracy per se; rather, the observation here is simply that Augustine's disciples apparently articulated beliefs that the state should be expressly subject to God and His Law.

thirteenth centuries.<sup>44</sup> As Berman has noted, the legal and societal changes that took place in Western Europe during this period “can only be called a revolutionary development of legal institutions.”<sup>45</sup> It was during this era, to which Berman refers as the Papal Revolution,<sup>46</sup> that the Church gained a new interest in, respect for, and fascination with law.<sup>47</sup>

The legal developments in Christendom during the Papal Revolution were based on religious ideas, beliefs, and doctrines.<sup>48</sup> For example, the medieval Roman Catholic doctrines of the Last Judgment and Purgatory shaped the way in which Christians of that era viewed sin. “Sin had formerly been understood to be a condition of alienation, a diminution of a person’s being; it now came to be understood in legal terms as specific wrongful acts or desires or thoughts for which various penalties must be paid in temporal suffering, whether in this life or the next.”<sup>49</sup> As Berman observes, this view of sin in legal terms meant that there had to be a standard by which human actions, desires, and thoughts were to be measured and adjudged either sinful or acceptable.<sup>50</sup> Moreover, there had to be a standard for determining what punishment certain sins deserved.<sup>51</sup> The answer of the medieval Church in the Papal Revolution was that the standard was first (and most importantly), the moral law of God revealed in the Scriptures; second, the natural law revealed in men’s hearts and minds; and third, the positive laws of the Church, which “were to be derived from and tested by” the moral law of God in Scripture.<sup>52</sup>

Berman notes various other theological doctrines, such as the doctrines of penance, the Eucharist, and Christ’s atonement, that provided the basis for the impressive legal developments of the medieval Church during the

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44. HAROLD J. BERMAN, *LAW AND REVOLUTION: THE FORMATION OF THE WESTERN LEGAL TRADITION* 85-119 (1983).

45. *Id.* at 86.

46. *Id.* at 19.

47. *Id.* at 83 (observing the Church’s dramatic attitudinal shift towards the idea of law and noting that with the Papal Revolution, “[t]he church set out to reform both itself and the world by law”); *id.* at 86 (describing the disembedding of law from Western European society “both as a political institution and as an intellectual concept”); *id.* at 115-19.

48. *Id.* at 165 (noting that “basic institutions, concepts, and values of Western legal systems have their sources in religious rituals, liturgies, and doctrines of the eleventh and twelfth centuries”).

49. *Id.* at 171.

50. *Id.*

51. *Id.*

52. *Id.*

Papal Revolution.<sup>53</sup> Thus, Christians during this era were utilizing theological concepts to inform their recently stimulated efforts to formulate detailed and well-reasoned legal concepts. They were applying theology to law.

Perhaps the most notable and influential theologian and philosopher of the late medieval era was St. Thomas Aquinas, who lived during the thirteenth century.<sup>54</sup> Aquinas's magnum opus was his *Summa Theologica*, in which he systematically treated various doctrinal and philosophical topics.<sup>55</sup> Aquinas began his discussion of law with an affirmation that law does indeed pertain to reason, since without reason, the imposition of the will of the sovereign would more properly be characterized as lawlessness rather than law.<sup>56</sup> However, Aquinas clarified that "the whole community of the universe is governed by Divine Reason."<sup>57</sup> Thus, Aquinas appears to have been saying that all law must be rational, but it must be derived from and based upon the reason of God, not purely the reason of man.

Aquinas discussed natural law, which he defined as the participation of rational human beings in the eternal law of the Divine Reason.<sup>58</sup> However, Aquinas also recognized the Divine Law specially revealed by God in the Scriptures.<sup>59</sup> Importantly, Aquinas acknowledged that mere human reason cannot be absolutely sure of itself in every particular matter, especially since different individuals reach different conclusions and judgments relating to the same set of facts.<sup>60</sup> "In order, therefore, that man may know without any doubt what he ought to do and what he ought to avoid, it was necessary for man to be directed in his proper acts by a law given by God,

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53. *Id.* at 172-81; see also Jeffrey C. Tuomala, *Christ's Atonement as the Model for Civil Justice*, 38 AM. J. JURIS. 221 (1993) (exploring the doctrine of the atonement as the basis and model for justice in the law).

54. Aquinas lived from 1224 to 1274. HALL, *supra* note 37, at 193.

55. ST. THOMAS AQUINAS, *SUMMA THEOLOGICA* (Fathers of the English Dominican Province trans., Benziger Bros. ed. 1948) (1265-74).

56. *Id.* First Part of the Second Part, Q. 90, Art. 1.

57. *Id.* Q. 91, Art. 1.

58. *Id.* Q. 91, Art. 2. In Aquinas's words:

[T]he light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the Divine light. It is therefore evident that the natural law is nothing else than the rational creature's participation of the eternal law.

*Id.*

59. *Id.* Q. 91, Art. 4.

60. *Id.*

for it is certain that such a law cannot err.”<sup>61</sup> In other words, God has revealed His Law in Scripture to clarify what would otherwise be unclear from natural law alone. Aquinas thus did not view natural law as antithetical to biblical law. Rather, he viewed them as two different manifestations of the same law. Furthermore, he did not consider natural law to be sufficient by itself, such that biblical law is unnecessary if one simply embraces the natural law. On the contrary, Aquinas understood biblical law as a necessary elucidation of the otherwise vague natural law.<sup>62</sup>

What was Aquinas's view towards the Old Testament Law in particular? Aquinas distinguished between the Old Testament Law and the New Testament Law not as “things that are altogether specifically different,” such as two different species of animals.<sup>63</sup> Rather, Aquinas said the distinction between the Divine Law in the Old and New Testaments is the distinction between “perfect and imperfect in the same species,” giving the example of a boy and a man.<sup>64</sup> In other words, Aquinas apparently viewed the Law of God in the Old Testament as ontologically identical with the Law of God in the New Testament. The difference, according to Aquinas, was one of maturation and development, not of kind or substantial essence. Aquinas did recognize that some aspects of the Old Testament Law were intended to bind only old covenant Israel, while other aspects of the Law were reflective of the natural law and therefore binding on all men.<sup>65</sup> Thus, he apparently saw a continuing validity and usefulness for those aspects of the Old Testament Law that reflect the natural law.

One more medieval theological figure should be mentioned before proceeding to the Protestant Reformation itself. John Wycliffe is often

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61. *Id.*

62. See Marc Clauson, *Theonomy in the Middle Ages* (2005) (unpublished paper, available at [http://www.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/0/4/2/7/2/pages42721/p42721-1.php](http://www.allacademic.com/meta/p_mla_apa_research_citation/0/4/2/7/2/pages42721/p42721-1.php)) (arguing that Aquinas should be viewed as a “theonomist” in a certain sense).

63. AQUINAS, *supra* note 55, First Part of the Second Part, Q. 91, Art. 5. The example Aquinas used was that of a horse and an ox. *Id.*

64. *Id.*

65. *Id.* Q. 98, Art. 5.

The Old Law showed forth the precepts of the natural law, and added certain precepts of its own. Accordingly, as to those precepts of the natural law contained in the Old Law, all were bound to observe the Old Law; not because they belonged to the Old Law, but because they belonged to the natural law. But as to those precepts which were added by the Old Law, they were not binding on any save the Jewish people alone.

*Id.*

called the “Morning Star of the Reformation,” and he lived during the fourteenth century.<sup>66</sup> Wycliffe was the first person to translate the Bible into English in 1384, and in his General Prologue to his translation of the Bible, he stated, “This Bible is for the government of the people, by the people, and for the people.”<sup>67</sup> This now well-known statement originated with a theologian and Bible translator who proclaimed that the Bible is intended for and applicable to government. Wycliffe thus evidently saw the Scriptures as the standard to which men must turn as they seek to establish any type of government, including presumably even civil government.

## 2. The Views of Reformation Christians Concerning God’s Law

Both Lutheranism and Reformed theology developed positions on the applicability of God’s revealed Law that have impacted Western civilization. These two Protestant theological traditions have played a major role in shaping the Western legal tradition.

### a. Lutheranism and God’s Law

The German Reformation, headed by the Augustinian monk Martin Luther, was not merely a theological movement; it had a tremendous effect on law throughout Western Europe.<sup>68</sup> In general, Lutheran thought recognized that the Law of God has continuing relevance and usefulness for individuals living in the new covenant era, both personally and socially. As Berman notes, Lutheran legal philosophy embraced “three uses” of God’s Law in particular: first, God’s Law was to convict sinners of their sinfulness and spur them to repentance; second, God’s Law was to deter individuals from wrongful acts by means of civil sanctions; and third, God’s Law was to inform and instruct believers in how they should order

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66. WILLIAM J. FEDERER, *AMERICA’S GOD AND COUNTRY: ENCYCLOPEDIA OF QUOTATIONS* 706 (2000). Wycliffe lived from 1320 to 1384. *Id.*

67. *Id.*; ROUSAS JOHN RUSHDOONY, *THE INSTITUTES OF BIBLICAL LAW* 1 (1973).

68. HAROLD J. BERMAN, *LAW AND REVOLUTION II: THE IMPACT OF THE PROTESTANT REFORMATIONS ON THE WESTERN LEGAL TRADITION* 6-8 (2003). As Berman points out:

[I]t is often supposed that Luther and his colleagues did not have a positive legal philosophy and a program of law reform. That is quite untrue. They taught that in the earthly kingdom, in which God is present, though hidden, law—including both the moral law of the Ten Commandments, the Decalogue, and the positive law of the secular ruler based on it—is needed . . .

*Id.* at 6-7. Again, Berman notes: “Rarely mentioned in contemporary scholarly literature is the fact that fundamental changes were made in law in the sixteenth century, in Germany and elsewhere, by persons whose ideas and interests, both religious and political, were under the strong influence of Protestant beliefs.” *Id.* at 62.

their lives and behavior.<sup>69</sup> Thus, not only did Lutheranism teach that God's Law is useful for individuals in coming to repentance and learning how to live righteous lives, but it also acknowledged that the Law is useful for the civil magistrate as he fulfills his calling to punish evildoers and protect society.<sup>70</sup>

Luther's cohort Philip Melanchthon recognized and taught the usefulness of God's Law.<sup>71</sup> Melanchthon saw fallen human reason as incapable of divining the law of nature that God has ordained.<sup>72</sup> Thus, Melanchthon "subordinate[d] the natural law that is both discernible to, and distorted by, human reason to the biblical law that is revealed to faith."<sup>73</sup> The Ten Commandments represent a summary of the revealed Law of God,<sup>74</sup> and Melanchthon taught that it is not fallen human reason, but the Scripture, "and more particularly the Ten Commandments, [that constitute] the basic source and summary of natural law."<sup>75</sup> In fact, Melanchthon explicitly affirmed that civil magistrates are to be the "custodians or guardians" of *all* Ten Commandments, including both the first and the second tables of the Law.<sup>76</sup> In other words, the civil ruler is to base his laws and actions not only upon the principles that such things as murder, adultery, theft, and perjury are wrong (i.e., the second table of the Law), but also upon the principles that God should be worshiped, His name revered, and His Sabbath respected (i.e., the first table of the Law).<sup>77</sup>

Lutheran legal philosopher Johann Oldendorp promulgated similar views regarding the Bible—particularly the Ten Commandments—as the source of law, rejecting the idea that human reason can serve as an adequate substitute.<sup>78</sup>

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69. *Id.* at 7; *see also id.* at 80-81 (discussing Philip Melanchthon's teachings on the three uses of the Law).

70. *See id.* at 73-77 for a discussion of Luther's personal legal philosophy.

71. *See id.* at 77-87 for a discussion of Melanchthon's legal philosophy.

72. *Id.* at 79.

73. *Id.*

74. *Id.*

75. *Id.* at 80. "For Melanchthon, . . . the Ten Commandments were both the ultimate source and summary of the natural law and hence a model for the positive law enacted by the earthly rulers." *Id.*

76. *Id.* at 82 (internal quotation marks omitted). The first table of the Law refers to the first four Commandments governing man's relation to God, while the second table of the Law refers to the last six Commandments governing man's relationship with his neighbor.

77. *See id.* at 82-83.

78. *Id.* at 89. *See id.* at 87-94 for a discussion of Oldendorp's legal philosophy.

b. Reformed Theology and God's Law

The central figure among the Reformed Protestants was John Calvin, a Frenchman who spent most of his adult life in Geneva.<sup>79</sup> Calvin held the Law of God in high regard, affirming that “[t]here is no doubt that the perfect teaching of righteousness that the Lord claims for the law has a perpetual validity.”<sup>80</sup> Indeed, Calvin’s chapter in his *Institutes of the Christian Religion* where he expounds on the moral law (the Decalogue) is quite lengthy.<sup>81</sup> Calvin castigated the notion that the Old Testament Law is inferior to “the law of the gospel” as being “in many respects a most pernicious opinion.”<sup>82</sup> He rejected the idea that “Christ added to the law,” emphasizing instead that Christ “restored it to its integrity” by “free[ing] and cleans[ing]” the Law from the abuses and misinterpretations of the Pharisees.<sup>83</sup>

Calvin unequivocally taught that the civil magistrate is to uphold and enforce both tables of the Law—all Ten Commandments.<sup>84</sup> Indeed, Calvin did not shy away from embracing the idea that the civil magistrate is to protect true religion, pursuant to the first table of the Law:

Let no man be disturbed that I now commit to civil government the duty of rightly establishing religion . . . . I approve of a civil administration that aims to prevent the true religion which is

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79. T.H.L. PARKER, JOHN CALVIN: A BIOGRAPHY 1-2, 51-53 (1974).

80. JOHN CALVIN, INSTITUTES OF THE CHRISTIAN RELIGION 371 (John T. McNeill ed., Ford Lewis Battles trans., Westminster John Knox Press 1960) (1559). Calvin proceeds to make this point even more strongly:

[T]he law has been divinely handed down to us to teach us perfect righteousness; there no other righteousness is taught than that which conforms to the requirements of God’s will; in vain therefore do we attempt new forms of works to win the favor of God, whose lawful worship consists in obedience alone; rather, any zeal for good works that wanders outside God’s law is an intolerable profanation of divine and true righteousness.

*Id.* at 372. With respect to the ceremonial laws of the old covenant, Calvin clearly taught that they have now passed away with the coming of the fullness of the gospel in Christ. *Id.* at 457.

81. *See id.* at 367-423.

82. *Id.* at 374.

83. *Id.*

84. *Id.* at 1495-97; *see also id.* at 1488. Calvin tied the civil magistrate’s duty of upholding the Decalogue in its entirety to the fact that God has appointed the magistrate as His vicegerent: “[I]t is fitting that [civil magistrates] should labor to protect and assert the honor of him whose representatives they are, and by whose grace they govern.” *Id.* at 1495.

contained in God's law from being openly and with public sacrilege violated and defiled with impunity . . . .<sup>85</sup>

Calvin did distinguish, as had Aquinas,<sup>86</sup> between the moral, ceremonial, and judicial laws of the Old Testament.<sup>87</sup> Although Calvin unreservedly affirmed the continuing validity of the moral law as "the true and eternal rule of righteousness, prescribed for men of all nations and times, who wish to conform their lives to God's will," he did not view the ceremonial or the judicial law as binding in the new covenant era.<sup>88</sup>

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85. *Id.* at 1488. Calvin also acknowledged "that no government can be happily established unless piety is the first concern; and that those laws are preposterous which neglect God's right and provide only for men." *Id.* at 1495. "[L]et Christian princes and magistrates be ashamed of their negligence if they do not apply themselves to this concern." *Id.* Calvin rebuked

the folly of those who would neglect the concern for God and would give attention only to rendering justice among men. As if God appointed rulers in his name to decide earthly controversies but overlooked what was of far greater importance—that he himself should be purely worshiped according to the prescription of his law.

*Id.* In fact, as John Witte, Jr., points out, Calvin believed that resisting a civil magistrate (through lower magistrates) was appropriate "only when the higher magistrate flagrantly violated the rights of God and man's duties to God as set out in the First Table. Even the most flagrant breaches of Second Table duties were not sufficient grounds to justify active resistance." JOHN WITTE, JR., THE REFORMATION OF RIGHTS: LAW, RELIGION, AND HUMAN RIGHTS IN EARLY MODERN CALVINISM 116 (2007).

86. AQUINAS, *supra* note 55, First Part of the Second Part, Q. 99, Art. 4 ("We must therefore distinguish three kinds of precept in the Old Law; viz. *moral* precepts, which are dictated by the natural law; *ceremonial* precepts, which are determinations of the Divine worship; and *judicial* precepts, which are determinations of the justice to be maintained among men."); *id.* Q. 99, Art. 5 ("From this it is clear that all the precepts of the Law are either moral, ceremonial, or judicial; and that other ordinances have not the character of a precept, but are directed to the observance of the precepts, as stated above.").

87. CALVIN, *supra* note 80, at 1502-03.

88. *Id.* at 1503. Calvin did recognize that the judicial law "imparted certain formulas of equity and justice, by which [those in old covenant Israel] might live together blamelessly and peaceably." *Id.* Furthermore, he acknowledged that the judicial law "had no other intent than how best to preserve that very love which is enjoined by God's eternal law." *Id.* However, he also said that the judicial law "had something distinct from that precept of love," and that, "[t]herefore, as ceremonial laws could be abrogated while piety remained safe and unharmed, so too, when these judicial laws were taken away, the perpetual duties and precepts of love could still remain." *Id.* In other words, Calvin saw the judicial law as *an* expression of the fundamental and "perpetual rule of love," but not as *the* expression of the rule of love that is binding on other nations today. *Id.* Calvin's position was that "every nation is left free to make such laws as it foresees to be profitable for itself. Yet these must

Calvin's lieutenant in Geneva, who continued the work there after Calvin's death, was Theodore Beza.<sup>89</sup> Beza reaffirmed Calvin's belief that the civil magistrate is to enforce both tables of the Law.<sup>90</sup> As John Witte, Jr. explains, Beza believed that "[b]laspheinous speech, idolatrous expressions, heretical activities, blatant violations of the Sabbath Day, and other such open, public violations of the First Table of the Decalogue were for the magistrate to police and punish."<sup>91</sup> These particular sins should be recognized as criminal misconduct in a Christian society.<sup>92</sup> Although Beza embraced the idea of natural law, he viewed the Ten Commandments as "[t]he best source and summary of the law of God and nature . . . , whose two tables set the constitutional foundation for every Christian community."<sup>93</sup>

Perhaps the most influential legal philosopher in the Dutch Reformed tradition was Johannes Althusius.<sup>94</sup> Althusius held the natural law in very high regard,<sup>95</sup> but his view of natural law did not render the Old Testament Law irrelevant. Defining the natural law as "the will of God for men,"<sup>96</sup> Althusius was quick to acknowledge the difficulty of having every living human being discern and interpret the natural law uniformly and correctly.<sup>97</sup> Accordingly, Althusius recognized the Law of God as revealed in Scripture as a more complete and clear explanation and exposition of the will of God for men.<sup>98</sup> Althusius taught that the biblical moral law does not contradict the natural law; instead, as Witte summarizes, "the Bible's moral law only rewrites more copiously the natural law that is already written cryptically

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be in conformity to that perpetual rule of love, so that they indeed vary in form but have the same purpose." *Id.*; *see also id.* at 1504-05.

89. WITTE, *supra* note 85, at 87.

90. *Id.* at 93 (quoting Beza as saying that God "has put the sword in the hands of the magistrates to suppress crimes against the First as well as the Second Table of the Commandments of God").

91. *Id.* at 94; *see also id.* at 93.

92. *Id.* at 94. In fact, Beza went so far as to state that when a society establishes the practice of pure religion under the requirements of the first table of the Law, the people are justified in opposing the civil magistrate if he fails to protect "the free exercise of the true religion." *Id.* at 133-34.

93. *Id.* at 127.

94. *See id.* at 150. Althusius lived from 1557 to 1638 and was actually German-born. *Id.*

95. *See id.* at 157-65.

96. *Id.* at 157.

97. *Id.* at 158-59.

98. *Id.* at 159.

on the hearts of everyone.”<sup>99</sup> Althusius’s views may fairly be described as a “belief in the ultimate concordance, if not confluence, of biblical law, natural law, and common law.”<sup>100</sup>

Not only did Althusius believe that the moral law embodied in the Ten Commandments is the essential basis of law in any Christian society,<sup>101</sup> but he also regarded the judicial law of the Old Testament as applicable to modern Christian societies.<sup>102</sup> Althusius saw the judicial law as containing specific applications of the general principles of the moral law.<sup>103</sup> While Althusius did not believe that every single aspect of the Old Testament judicial law is binding on Christians in the new covenant era, he did view the judicial law as useful and instructive where it constitutes the outworking and exemplifying of the natural law itself.<sup>104</sup>

One of the most prominent Confessions to come out of the Reformed theological tradition was the *Westminster Confession of Faith* in 1646.<sup>105</sup> According to Chapter Nineteen of this Confession (“Of the Law of God”), the moral law contained in the Ten Commandments is “a perfect rule of righteousness”<sup>106</sup> and “doth for ever bind all, as well justified persons as others, to the obedience thereof.”<sup>107</sup> The ceremonial law has been abrogated in the new covenant,<sup>108</sup> but the judicial law is not completely abrogated in every respect. Rather, although the “sundry judicial laws” that God delivered to Israel are generally not binding today, they do continue to be obligatory insofar as “the general equity thereof may require.”<sup>109</sup> Thus, significant aspects of the Old Testament Law remain instructive in the new covenant era, providing general principles that are authoritative for modern man.

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99. *Id.* Witte also points out that Althusius did not view Jesus as contradicting or annulling Moses: “Through Moses, God rewrote on stone what was already written on our hearts. Through Christ, God rewrote this law anew by fulfilling its commandments and promises and by teaching his followers how to discern its ‘weightier matters.’” *Id.*

100. *Id.* at 160.

101. *Id.* at 161-63.

102. *Id.* at 163-64.

103. *Id.* at 164.

104. *Id.*

105. WESTMINSTER CONFSSION OF FAITH (1646).

106. *Id.* XIX.2.

107. *Id.* XIX.5.

108. *Id.* XIX.3.

109. *Id.* XIX.4.

### 3. The Views of Modern Christians Concerning God's Law

The antipathy of many modern Christian evangelicals to the continuing authority of God's Law as a model for not only personal holiness, but also civil justice, is evident from the modern debate over "theonomy."<sup>110</sup> "Theonomy," or "God's Law,"<sup>111</sup> may be summarized as the belief that Christians in the new covenant era are "obligat[ed] to God's law as expressed in the stipulations of the Older Testament, both inside and outside the Decalogue."<sup>112</sup> R.J. Rushdoony maintains that "civil law cannot be separated from Biblical law, for the Biblical doctrine of law includes all law, civil, ecclesiastical, societal, familial, and all other forms of law." In other words, theonomists believe that God's Law continues to be authoritative for and applicable to modern society. They differ in their views on just how applicable certain individual laws from the Old Testament are, but they proceed from the basic tenet that the principles of the Law remain binding today. Opponents of theonomy, on the other hand, believe that the Old Testament Law is not binding on modern societies.<sup>113</sup>

### III. PRINCIPLES FROM GOD'S LAW FOR THE NEW COVENANT CHURCH

It is the position of this Article that the Scriptures do indeed teach that, in a fundamental and important sense, the Old Testament Law has continuing authority and relevance for individuals and societies in the new covenant

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110. On the theonomy ("God's Law") side of the debate, see, for example, BAHNSEN, *supra* note 15; BAHNSEN, *supra* note 2; RUSHDOONY, *supra* note 67. On the non-theonomy side of the debate, see, for example, WALTER J. CHANTRY, *GOD'S RIGHTEOUS KINGDOM* (1980); GARY D. LONG, *BIBLICAL LAW AND ETHICS: ABSOLUTE AND COVENANTAL* (1981); *THEONOMY: A REFORMED CRITIQUE* (William S. Barker & W. Robert Godfrey eds., 1990); Meredith G. Kline, *Comments on an Old-New Error: A Review Article*, 41 WESTMINSTER THEOLOGICAL J. 172 (1978).

111. See BAHNSEN, *supra* note 2, at 34 (noting that the word "theonomy" is "a compound of the Greek words for 'God' and 'law'").

112. *Id.* at 261. Bahnsen maintains that "the New Testament does not turn back the Older Testamental law of God in the slightest; rather, the New Testament *substantiates* the abiding validity of God's law." *Id.*

113. See *generally* sources cited *supra* note 110. Also, for examples of how modern Christian legal scholars have explored applications of biblical principles to various aspects of the law, see Roger C. Bern, *A Biblical Model for Analysis of Issues of Law and Public Policy: With Illustrative Applications to Contracts, Antitrust, Remedies and Public Policy Issues*, 6 REGENT U. L. REV. 103 (1995) (discussing applications of Old Testament principles to such areas of the law as contracts, antitrust regulations, and remedies); Tuomala, *supra* note 53 (advocating a model of civil justice that is based on a biblical understanding of Christ's atonement).

era.<sup>114</sup> Accordingly, this Part will briefly examine a few of the general principles from the Old Testament Law that may appropriately and profitably be applied to the new covenant Church.

*A. The Ceremonial Law*

As noted earlier,<sup>115</sup> the Old Testament Law has traditionally been subdivided into the moral, ceremonial, and judicial laws. Most theologians have generally regarded the ceremonial law as non-binding on modern Christians.<sup>116</sup> This is consistent with the general teaching of the New Testament. For example, Paul unequivocally declares that the rite of circumcision is no longer necessary or spiritually significant in the new covenant.<sup>117</sup> Paul also proclaims that other old covenant ordinances and observances are obsolete now that Christ has come.<sup>118</sup> Further, the author of Hebrews observes that “it is not possible that the blood of bulls and of goats should take away sins.”<sup>119</sup> While the ceremonies of the Old Testament Law had “a shadow of good things to come,” they were “not the very image of the things” and could not perfect their observers.<sup>120</sup> Indeed, the very institution of the Levitical priesthood was incapable of bringing perfection, which is why Christ is called a high priest after the order of Melchisedec instead of the order of Aaron.<sup>121</sup> Animal sacrifices are no longer a necessary part of ritual worship, since Christ has “appeared to put away sin by the sacrifice of himself” once for all.<sup>122</sup>

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114. *See supra* Part II.A.

115. *Supra* notes 86-88 and accompanying text.

116. *See, e.g., supra* note 88 and accompanying text (discussing Calvin’s view).

117. *See, e.g., Galatians* 5:6 (“For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision; but faith which worketh by love.”).

118. *Colossians* 2:16-23 (explaining that the old covenant ordinances were simply a “shadow” of what has now come in Christ).

119. *Hebrews* 10:4.

120. *Id.* 10:1.

121. *Id.* 7:11-28. Note especially verses eleven and twelve:

If therefore perfection were by the Levitical priesthood, (for under it the people received the law,) what further need was there that another priest should rise after the order of Melchisedec, and not be called after the order of Aaron? For the priesthood being changed, there is made of necessity a change also of the law.

*Id.* 7:11-12.

122. *Id.* 9:26.

Notwithstanding the mootness of the ceremonial law in a general sense for new covenant believers, it still has certain lessons to teach modern Christians. Two particular examples exist in the areas of worship patterns and personal holiness.

### 1. Principles for Worship

Although the exact form of old covenant ceremonial worship is obsolete, several theologians view certain principles and patterns that underlay the old covenant cultus as being instructive and informative for new covenant worship practices.<sup>123</sup> One of the basic observations of those who take this view is that “the sacrificial system provides us with a rudimentary order of worship that can be applied to Christian worship.”<sup>124</sup> By examining the order of worship symbolized in the Levitical sacrificial system, these theologians have outlined the following basic pattern of worship that they submit is still valid for the new covenant Church: (1) the gathering of the worshipers; (2) the invocation of Christ as the worshipers’ representative and substitute (similar to the Israelite who laid his hand on the head of his sacrificial animal before it was slaughtered<sup>125</sup>); (3) the confession of sins and receipt of absolution; (4) the ascension to God, hearing of His Word, and singing of His praises (reminiscent of the animal that was burned and whose smoke ascended to God from the altar); and (5) the eating of a sacrificial meal (the Lord’s Supper in the new covenant).<sup>126</sup>

### 2. Principles for Holiness

A second example of how modern Christians can learn from the ceremonial law lies in the area of practical holiness. The Apostle Paul uses

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123. See, e.g., JAMES B. JORDAN, *THESES ON WORSHIP: NOTES TOWARD THE REFORMATION OF WORSHIP* 93-104 (1994); PETER J. LEITHART, *FROM SILENCE TO SONG: THE DAVIDIC LITURGICAL REVOLUTION* 105-09 (2003); JEFFREY J. MEYERS, *THE LORD’S SERVICE: THE GRACE OF COVENANT RENEWAL WORSHIP* 57-71, 88-92 (2003). These authors “have been arguing that the Levitical system provides a great deal of instruction for both the theology and practice of Christian worship.” LEITHART, *supra*, at 106.

124. LEITHART, *supra* note 123, at 107; see also MEYERS, *supra* note 123, at 73-88.

125. See *Leviticus* 1:4; 3:2, 8, 13; 4:4, 15, 24, 29, 33.

126. LEITHART, *supra* note 123, at 107. Jeffrey Meyers expresses the pattern as: (1) “God Calls Us—We Gather Together and Praise Him”; (2) “God Cleanses Us—We Confess Our Sins and are Forgiven in Christ”; (3) “God Consecrates Us—We Respond in Prayer and Offering”; (4) “God Communes with Us—We Eat God’s Food at His Table”; and (5) “God Commissions (Blesses) Us—We March out to Serve God.” MEYERS, *supra* note 123, at 86. As Meyers explains, this pattern is based on the sacrificial system, in which the worshiper came before God and offered a purification offering, an ascension offering, and a fellowship offering, in that order. *Id.* at 80-87.

a principle of the ceremonial law to instruct believers in how to achieve holiness. In *2 Corinthians* 6, Paul exhorts Christians to avoid becoming “unequally yoked together with unbelievers.”<sup>127</sup> He bases his reasoning on a principle of separation.<sup>128</sup> “[W]hat fellowship hath righteousness with unrighteousness? And what communion hath light with darkness? And what concord hath Christ with Belial? Or what part hath he that believeth with an infidel? And what agreement hath the temple of God with idols?”<sup>129</sup> Here, Paul is explaining the fundamental dichotomy and incompatibility between believers and unbelievers, and he enjoins upon believers the necessity for a distinct and discrete separation between Christians and non-Christians. To emphasize and support his point, Paul appeals not to sayings of Jesus, but to Old Testament passages that reflect the separation principle at the heart of the ceremonial law. First, Paul quotes from *Leviticus* 26:12, where God promised the people of Israel that if they were faithful to keep His Law, He would walk among them and be their God, and they would be His people.<sup>130</sup> Second, Paul quotes from *Isaiah* 52:11, where God declared, “Depart ye, depart ye, go ye out from thence, touch no unclean thing; go ye out of the midst of her; be ye clean, that bear the vessels of the Lord.”<sup>131</sup> Isaiah utilized the imagery of ceremonial cleanness and uncleanness in this prophecy. His choice of language drew on the general necessity of separation from unclean things to preserve a person’s ceremonial cleanness. In *2 Corinthians* 6, Paul employs this same type of ceremonial purity language to describe the Christian’s need to remain separate from entangling relationships with unbelievers.<sup>132</sup> Thus, the ceremonial law contains certain basic principles that continue to be instructive, at least analogously, for how modern-day Christians are to worship God and live their lives.

#### B. *The Moral Law and the Judicial Law*

This Article embraces the position that the moral law of God continues to apply to humanity in the new covenant era with unabated authoritativeness, and that the judicial law continues to bind mankind today

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127. *2 Corinthians* 6:14.

128. See BAHNSEN, *supra* note 15, at 103-06.

129. *2 Corinthians* 6:14-16.

130. *Leviticus* 26:12; see also *2 Corinthians* 6:16.

131. *Isaiah* 52:11; see also *2 Corinthians* 6:17.

132. BAHNSEN, *supra* note 15, at 92, 105-06 (noting Paul’s use in *2 Corinthians* 6:14-18 of the ceremonial law’s principles of separation and holiness).

by its principles of “general equity,” though not necessarily all its specifics.<sup>133</sup> Accordingly, the moral and judicial laws of the Old Testament contain much that is relevant to the Church in the new covenant era. This Part will now address three particular areas of general applicability.

### 1. The Teaching of the Church

One of the primary functions of the Church is teaching and preaching the word of God.<sup>134</sup> But exactly what parts of the word of God is the Church supposed to teach? Paul’s answer is, “the whole counsel of God.”<sup>135</sup> The Old Testament praises the perfection,<sup>136</sup> faithfulness,<sup>137</sup> righteousness,<sup>138</sup> truth,<sup>139</sup> goodness,<sup>140</sup> wisdom,<sup>141</sup> eternity,<sup>142</sup> delightsomeness,<sup>143</sup> life-giving power,<sup>144</sup> and liberating quality<sup>145</sup> of God’s Law. Surely, if this is the character of God’s Law, it cannot be irrelevant for new covenant Christians. Furthermore, if this is the nature of God’s Law, the Church should make the Law of God an important part of its teaching and instruction.

The Apostle Paul recognized the authority and profitability of the Old Testament Law when he wrote: “All scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness: That the man of God may be perfect,

133. See WESTMINSTER CONFSSION OF FAITH XIX.4-5 (1646).

134. The Great Commission involves teaching the nations everything Christ has commanded. *Matthew* 28:19-20. Teaching the word was a primary focus of the New Testament Church. See *Acts* 2:42 (“And they continued steadfastly in the apostles’ doctrine and fellowship, and in breaking of bread, and in prayers.”); *id.* 5:42 (“And daily in the temple, and in every house, they ceased not to teach and preach Jesus Christ.”). The apostles recognized that their primary duty was preaching and teaching the word of God. *Id.* 6:2 (“It is not reason that we should leave the word of God, and serve tables.”). Paul charged Timothy to “[p]reach the word . . . For the time will come when they will not endure sound doctrine . . .” 2 *Timothy* 4:2-3.

135. *Acts* 20:27 (English Standard Version) (“I did not shrink from declaring to you the whole counsel of God.”).

136. *Psalms* 19:7; 119:96.

137. *Id.* 119:86, 138.

138. *Id.* 19:8-9; 119:128, 138, 144, 160, 164, 172.

139. *Id.* 19:9; 119:30, 142, 151, 160.

140. *Id.* 119:39.

141. *Id.* 19:7; 119:98-100.

142. *Id.* 119:89, 144, 152, 160.

143. *Id.* 19:8; 119:16, 24, 35, 47, 77, 92, 111, 143, 174.

144. *Id.* 119:25, 50, 93, 107, 156.

145. *Id.* 119:45.

thoroughly furnished unto all good works.”<sup>146</sup> If *all* Scripture is profitable for doctrine in the new covenant, then as a logical concomitant of that general truth, the Law of God is profitable for doctrine in the New Testament Church.<sup>147</sup> Thus, the Law should be a prominent subject of the Church's doctrinal teaching.

## 2. The Government of the Church

According to the Law of God, various levels of representative heads, with “rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens,”<sup>148</sup> originally ruled Israel. These rulers, or “captains,”<sup>149</sup> were to be “wise,”<sup>150</sup> “able,”<sup>151</sup> and “understanding”<sup>152</sup> men, “known” among the people.<sup>153</sup> Their qualifications included the fear of God, a love for the truth, and a hatred for covetousness.<sup>154</sup> The Old Testament often refers to the “elders” as the rulers of cities in particular and of Israel in general.<sup>155</sup>

The term “elder” is also used in the New Testament to refer to the rulers of local churches in particular and of the Church in general.<sup>156</sup> Just as there were qualifications for civil elders in old covenant Israel, so also there are qualifications for ecclesiastical elders in the new covenant Church.<sup>157</sup> Paul

146. 2 *Timothy* 3:16-17. In fact, Paul recognized that the Old Testament Scriptures “are able to make [one] wise unto salvation through faith which is in Christ Jesus.” *Id.* 3:15. This aligns with what the writer of *Hebrews* observed when he wrote that “unto us was the gospel preached, as well as unto [the generation of Israelites that perished in the wilderness]: but the word preached did not profit them, not being mixed with faith in them that heard it.” *Hebrews* 4:2.

147. Of course, the Law must be properly interpreted and applied in light of the additional revelation of divine truth in the New Testament.

148. *Exodus* 18:21; *see also Deuteronomy* 1:15.

149. *Deuteronomy* 1:15.

150. *Id.* 1:13, 15.

151. *Exodus* 18:21.

152. *Deuteronomy* 1:13.

153. *Id.* 1:13, 15.

154. *Exodus* 18:21.

155. *See id.* 3:16, 18; 12:21; 19:7; 24:14; *Numbers* 11:16-17, 24-25; *Deuteronomy* 19:12; 21:1-9, 18-21; 22:13-21; 25:5-10; 29:10; 31:9, 28; *Joshua* 7:6; 8:10; 20:4; 23:2; 24:1; *Judges* 8:13-16; 11:5-11; 21:16; *Ruth* 4:1-11; 1 *Samuel* 4:3; 8:4-5; 11:3; 15:30; 16:4; 30:26; 2 *Samuel* 3:17-18; 5:3; 17:4, 15; 19:11; 1 *Kings* 8:1, 3; 20:7-8; 21:8-11; 2 *Kings* 10:1-5; 23:1; 1 *Chronicles* 11:3; 15:25; 21:16; 2 *Chronicles* 5:2, 4; 34:29; *Ezra* 5:5; 6:7-8, 14; 10:8, 14.

156. *See Acts* 11:30; 14:23; 15:2, 4, 6, 22-23; 16:4; 20:17; 21:18; 1 *Timothy* 5:17; *Titus* 1:5; *James* 5:14; 1 *Peter* 5:1.

157. *See* 1 *Timothy* 3:1-7; *Titus* 1:5-9.

sought to establish elders in every local congregation he planted,<sup>158</sup> and he also respected as authoritative the decision of the elders who met together in Jerusalem to settle a controversial matter over circumcision in which Paul was personally involved.<sup>159</sup> Essentially, the New Testament Church governed itself in a manner very similar to how Moses originally set up the civil government in Israel: a republican form of government with various levels of authority, from elders of local cities/congregations to the assembled group of all the elders acting in an authoritative capacity for the nation/Church as a whole.

### 3. The Judgments of the Church

In 1 *Corinthians* 6, Paul describes a fascinating and somewhat mysterious aspect of ecclesiastical authority:

Dare any of you, having a matter against another, go to law before the unjust, and not before the saints? Do ye not know that the saints shall judge the world? And if the world shall be judged by you, are ye unworthy to judge the smallest matters? Know ye not that we shall judge angels? How much more things that pertain to this life? If then ye have judgments of things pertaining to this life, set them to judge who are least esteemed in the church. I speak to your shame. Is it so, that there is not a wise man among you? No, not one that shall be able to judge between his brethren? But brother goeth to law with brother, and that before the unbelievers. Now therefore there is utterly a fault among you, because ye go to law one with another. Why do ye not rather take wrong? Why do ye not rather suffer yourselves to be defrauded? Nay, ye do wrong, and defraud, and that your brethren.<sup>160</sup>

Paul is not speaking here of ecclesiastical discipline for individual sins,<sup>161</sup> but of something different. He speaks of the legal courts of the pagan system of civil government under which the Corinthians live, and he

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158. See *Titus* 1:5.

159. See *Acts* 15:1-31. Paul evidently regarded the decision of the Jerusalem council of apostles and elders as authoritative for all the other churches, since he personally helped deliver the council's decision to the church at Antioch, *id.* 15:22-30, and since as he visited other churches, he "delivered them the decrees for to keep, that were ordained of the apostles and elders which were at Jerusalem." *Id.* 16:4.

160. 1 *Corinthians* 6:1-8.

161. See *Matthew* 18:15-18 and 1 *Corinthians* 5:1-5, 11-13 for the basis for this particular exercise of jurisdiction by the Church.

rebukes the Corinthians for taking their civil matters, the “judgments of things pertaining to this life,”<sup>162</sup> before these secular legal courts. Instead, he maintains that such judgments should be made by “a wise man” appointed by the church, “one that shall be able to judge between his brethren.”<sup>163</sup>

There are at least two possible interpretations of this passage. One possible interpretation is that Paul is providing a universal normative directive to all churches, in all times. Under this reading, every church today should appoint wise men who can provide righteous judgments in legal matters arising between Christians within the Church. Another possible interpretation is that Paul is providing a directive to churches existing in the context of a pagan society with a worldly civil government that does not explicitly submit to Christ or acknowledge His Law. Under this reading, the church should appoint judges to handle legal disputes between its members only when the civil ruler is operating without regard for the Law of God. Accordingly, when the civil magistrate submits to and seeks to follow the principles of God’s Law, ecclesiastically appointed judges are unnecessary.

Regardless of which interpretation one chooses to follow, one fact is inescapable: there are at least some times and places where the Church must appoint wise judges who can handle internal legal disputes between Christians. The question of what standard these ecclesiastical judges are to employ in making their judgments demands serious consideration. This author submits that it is reasonable to presume that the general principles of the Law that Jesus, as the Second Person of the Trinity, delivered to Moses on Mount Sinai—the principles of the same Law that Jesus reaffirmed when He came in the flesh to inaugurate the fullness of the new covenant—are the principles constituting the standard that the body of Jesus should apply in rendering judgments among its members. Jesus’ judgments are to be based on Jesus’ Law, the Law that He came to establish and confirm, not to abolish and destroy.<sup>164</sup>

#### IV. PRINCIPLES FROM GOD’S LAW FOR THE MODERN CHRISTIAN STATE

Although the ceremonial law does not apply to civil government, all civil rulers are bound by the fundamental principles of the moral and judicial

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162. 1 *Corinthians* 6:4.

163. *Id.* 6:5.

164. *See supra* notes 1-11 and accompanying text (discussing Jesus’ reaffirmation of the Old Testament Law in *Matthew* 5:17).

laws, which express God's authoritative, immutable standard of justice and righteousness. This Part will consider some of the ways in which the Old Testament Law does and does not apply to modern civil government.

A. *The Ceremonial Law*

This author is unaware of any prominent theologian in Church history who taught that the ceremonial law of the Old Testament applies to the civil magistrate in the new covenant era. This Article recognizes that the import of the ceremonial law was primarily cultic in nature, and the instructiveness of the ceremonial law for modern-day Christians does not extend beyond areas of ecclesiology, liturgy, and both personal and corporate holiness and piety.<sup>165</sup> Consequently, this Article does not advocate applying the principles of the ceremonial law to modern civil government. In fact, this Article will discuss in Part V, *infra*, the important reality that the church and the state were separate institutions in the Old Testament.<sup>166</sup> Only the priests and the Levites had authority to carry out the cultic duties prescribed by the ceremonial law.<sup>167</sup> Thus, the ceremonial law is not within the civil magistrate's jurisdiction.

B. *The Moral Law and the Judicial Law*

Having noted that the ceremonial law does not apply to civil government, this Part will now examine several ways in which the moral law and the judicial law do apply to modern civil government. God's Law is the ultimate standard for defining and determining good and evil, and it provides the fundamental principles upon which a just system of penology must be based.

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165. *See supra* Part III.A.

166. *See infra* Part V.

167. *Numbers* 16:8-9 ("And Moses said unto Korah, Hear, I pray you, ye sons of Levi: Seemeth it but a small thing unto you, that the God of Israel hath separated you from the congregation of Israel, to bring you near to himself to do the service of the tabernacle of the Lord, and to stand before the congregation to minister unto them?"); *Deuteronomy* 10:8 ("At that time the Lord separated the tribe of Levi, to bear the ark of the covenant of the Lord, to stand before the Lord to minister unto him, and to bless in his name, unto this day."); *id.* 18:5 ("For the Lord thy God hath chosen [the Levite] out of all thy tribes, to stand to minister in the name of the Lord, him and his sons for ever."); *2 Chronicles* 29:11 ("My sons [i.e., the priests and Levites], be not now negligent: for the Lord hath chosen you to stand before him, to serve him, and that ye should minister unto him, and burn incense."). God severely chastised King Uzziah by striking him with leprosy when he attempted to burn incense in the Temple. *Id.* 26:16-21; *see infra* Part V.A.3.

### 1. The Moral Law as the Standard for Understanding God's Will and Defining Good and Evil

The classic New Testament formula encapsulating the basic duties of the civil magistrate is found in *Romans* 13 and 1 *Peter* 2. Peter describes the quintessence of the civil ruler's duty as "the punishment of evildoers, and . . . the praise of them that do well."<sup>168</sup> Similarly, Paul speaks of the civil magistrate as "the minister of God . . . for good," and again as "the minister of God, a revenger to execute wrath upon him that doeth evil."<sup>169</sup> The Greek word for "minister" in *Romans* 13 is *diakonos*, which means "an attendant, i.e., (gen.) a waiter (at table or in other menial duties); spec. a Chr. teacher and pastor (tech. a deacon or deaconess)."<sup>170</sup> It is translated as either "deacon," "minister," or "servant."<sup>171</sup> Thus, the civil magistrate is God's servant, and as such, he is to be attentive to and attendant upon the needs of his Lord. He is not his own master; he cannot do as he pleases. He exists in his station simply to fulfill the will of his Master. What is the specific will of God that the civil magistrate is to attend to and fulfill? His specific job description is punishing those who do evil and praising those who do well.

These passages reveal two important points relevant to the topic of this Article. First, God's use of the word *diakonos* to describe the position of the civil magistrate demonstrates that civil rulers are not to carry out what seems good in their own eyes or even in the eyes of their constituents. Their power ultimately does not depend on themselves, their constituents, or any other human basis. Rather, "there is no power but of God: the powers that be are ordained of God."<sup>172</sup> Once this source of a civil ruler's power is acknowledged, it naturally leads to the conclusion that the civil ruler is to base his actions (his punishing and praising) on God's definitions of right and wrong, of good and evil, not on his own definitions or anyone else's. In other words, the source of the civil ruler's laws must be the will of God, i.e., the Law of God. It cannot be the will or law of man. Otherwise, the

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168. 1 *Peter* 2:14.

169. *Romans* 13:4. Paul also states that "rulers are not a terror to good works, but to the evil," and that those who "do that which is good" will receive praise from the ruler. *Id.* 13:3. Paul calls the civil magistrates "God's ministers" again in *Romans* 13:6. He starts out the passage originally with the premise that "there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God . . ." *Id.* 13:1-2.

170. *Strong's*, *supra* note 2, at 65.

171. *Id.*

172. *Romans* 13:1.

civil ruler would no longer be functioning as God's *diakonos*, but as the *diakonos* (or perhaps, the dictator) solely of the people, which is not how the Bible characterizes the civil ruler's position.<sup>173</sup> Thus, the description of the civil magistrate as God's *diakonos* indicates that the civil magistrate exists to carry out God's Law and will, not his own or anyone else's.<sup>174</sup>

Second, the job description of the civil magistrate as one who has been ordained to punish those who do evil and praise those who do well begs the question: what is good and what is evil? Who gets to define these concepts? If God is the one who ordained the civil magistrate and vested him with all the authority he possesses, then when God charges the civil magistrate to punish those who do evil and praise those who do well, it is implied that good and evil mean what God has said they mean—nothing more, nothing less. Thus, the civil magistrate is to look to God's definition of good and evil to ascertain the details of how he is to perform his duties. The moral law of God represents God's ultimate pronouncements, descriptions, and definitions of what is good and what is evil.<sup>175</sup> God's Law expressly proscribes adding to or subtracting from the statutes and judgments God has revealed.<sup>176</sup> The civil magistrate is to punish those who do evil and praise those who do well, and he is to learn what is good and what is evil from the principles of God's moral law, the universally authoritative definition of good and evil.

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173. Of course, there is a sense in which the civil ruler is the servant of the people, but this is precisely because he is first and foremost the servant of God, who has charged him to serve the people. If the people ever desire for the civil ruler to serve them in a way that God has not authorized or commanded, the civil ruler may not acquiesce, because his fundamental allegiance is not to the people, but to the Lord, whose servant, or *diakonos*, he is.

174. God strictly and solemnly warns against following the will of a people instead of following God's revealed will: "Thou shalt not follow a multitude to do evil; neither shalt thou speak in a cause to decline after many to wrest judgment." *Exodus* 23:2. A civil ruler who chooses to carry out the will of the people when that will conflicts with God's will as revealed in His Law should tremble, for such a ruler is transgressing the will of the Lord whose servant he is.

175. See *Romans* 7:7 ("I had not known sin, but by the law . . ."); *id.* 7:12 ("Wherefore the law is holy, and the commandment holy, and just, and good.").

176. *Deuteronomy* 4:1-2 states:

Now therefore hearken, O Israel, unto the statutes and unto the judgments, which I teach you, for to do them, that ye may live, and go in and possess the land which the Lord God of your fathers giveth you. Ye shall not add unto the word which I command you, neither shall ye diminish ought from it, that ye may keep the commandments of the Lord your God which I command you.

## 2. Fundamental Principles of Penology from the Judicial Law

As noted above, Jesus Himself rebuked the Pharisees for nullifying the penal demands of God's Law by their own man-made traditions.<sup>177</sup> While this Article recognizes that all of the details of the judicial law are not to be copied minutely and mindlessly into modern societies, this Article does argue that God's judicial law provides Christian societies in the new covenant era with numerous fundamental principles of penology that the modern civil magistrate must apply if he is to uphold God's standard of justice as the Lord's *diakonos*. The Bible does indeed contemplate "an orderly system of justice."<sup>178</sup>

This Part will now present three means of punishment as constituting the biblically authorized forms of punishment: restitution, corporal punishment, and capital punishment. This Part will then observe that incarceration as a form of punishment is not based upon principles of God's Law and therefore fails the test of justice.

### a. Restitution

As Gary DeMar has observed, "The Bible sets forth restitution as the way an individual compensates victims of his criminal actions."<sup>179</sup> DeMar notes that God's Law required restitution for the following crimes/torts:<sup>180</sup> "[a]ssault (*Exodus* 21:18-19),<sup>181</sup> bodily injury (21:26-27),<sup>182</sup> liability [i.e.,

177. See *Mark* 7:9-13; *supra* notes 12-14 and accompanying text; see also BAHNSEN, *supra* note 15, at 90.

178. JOHN EIDSMOE, *GOD AND CAESAR: CHRISTIAN FAITH AND POLITICAL ACTION* 197 (1984) ("The Bible passages that command the trial and execution of prisoners do not connote a 'lynch mob.' Rather, they call for an orderly system of justice.").

179. 3 GARY DEMAR, *GOD AND GOVERNMENT: THE RESTORATION OF THE REPUBLIC* 208 (2d ed. 2001). DeMar further notes that biblical restitution provides restoration for both the victim and the criminal; the victim is restored by receiving compensation, and the criminal is restored "as he becomes aware that labor is a calling under God." *Id.* For a discussion of the principle of restitution in God's Law, see *id.* at 208-11; RUSHDOONY, *supra* note 67, at 272-77, 458-63.

180. It is not clear that the modern distinction between crimes and torts is necessarily grounded in biblical principles. God's Law did prescribe different types of punishments for different types of offenses, but this author is not convinced that the modern independent structures for criminal and tort law reflect the proper framework for viewing and interpreting the Old Testament judicial law.

181. *Exodus* 21:18-19 prescribes:

And if men strive together, and one smite another with a stone, or with his fist, and he die not, but keepeth his bed: If he rise again, and walk abroad upon his staff, then shall he that smote him be quit: only he shall pay for the loss of his time, and shall cause him to be thoroughly healed.

negligence] (21:33-36);<sup>183</sup> theft (22:1-4);<sup>184</sup> property damage (22:5-6);<sup>185</sup> irresponsibility [i.e., by a bailee] (22:7-13);<sup>186</sup> and the loss or damage of borrowed items (22:14-15).<sup>187</sup>

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182. *Exodus* 21:26-27 states:

And if a man smite the eye of his servant, or the eye of his maid, that it perish; he shall let him go free for his eye's sake. And if he smite out his manservant's tooth, or his maidservant's tooth; he shall let him go free for his tooth's sake.

183. *Exodus* 21:33-36 reads:

And if a man shall open a pit, or if a man shall dig a pit, and not cover it, and an ox or an ass fall therein; The owner of the pit shall make it good, and give money unto the owner of them; and the dead beast shall be his. And if one man's ox hurt another's, that he die; then they shall sell the live ox, and divide the money of it; and the dead ox also they shall divide. Or if it be known that the ox hath used to push in time past, and his owner hath not kept him in; he shall surely pay ox for ox; and the dead shall be his own.

184. *Exodus* 22:1-4 requires:

If a man shall steal an ox, or a sheep, and kill it, or sell it; he shall restore five oxen for an ox, and four sheep for a sheep. If a thief be found breaking up, and be smitten that he die, there shall no blood be shed for him. If the sun be risen upon him, there shall be blood shed for him; for he should make full restitution; if he have nothing, then he shall be sold for his theft. If the theft be certainly found in his hand alive, whether it be ox, or ass, or sheep; he shall restore double.

185. *Exodus* 22:5-6 mandates:

If a man shall cause a field or vineyard to be eaten, and shall put in his beast, and shall feed in another man's field; of the best of his own field, and of the best of his own vineyard, shall he make restitution. If fire break out, and catch in thorns, so that the stacks of corn, or the standing corn, or the field, be consumed therewith; he that kindled the fire shall surely make restitution.

186. *Exodus* 22:7-13 declares:

If a man shall deliver unto his neighbour money or stuff to keep, and it be stolen out of the man's house; if the thief be found, let him pay double. If the thief be not found, then the master of the house shall be brought unto the judges, to see whether he have put his hand unto his neighbour's goods. For all manner of trespass, whether it be for ox, for ass, for sheep, for raiment, or for any manner of lost thing, which another challengeth to be his, the cause of both parties shall come before the judges; and whom the judges shall condemn, he shall pay double unto his neighbour. If a man deliver unto his neighbour an ass, or an ox, or a sheep, or any beast, to keep; and it die, or be hurt, or driven away, no man seeing it: Then shall an oath of the Lord be between them both, that he hath not put his hand unto his neighbour's goods; and the owner of it shall accept thereof, and he shall not make it good. And if it be stolen from him, he shall make restitution unto the owner thereof. If it be torn in pieces, then let him bring it for witness, and he shall not make good that which was torn.

In his discussion of the principle of restitution, R.J. Rushdoony points out that: “The principle of restitution is basic to Biblical law; it appears with especial prominence in laws under the sixth and eighth commandments, but it is basic to the purpose of the whole law.”<sup>188</sup> Rushdoony explains that the concept of restitution relates not simply to issues of civil justice, but that it is tied to God’s entire purpose in redemptive history, viz., to restore all of creation in the new Adam, the King of the universe.<sup>189</sup>

b. Corporal Punishment

In addition to restitution, God’s Law also prescribed corporal punishment for certain types of offenses:

If there be a controversy between men, and they come unto judgment, that the judges may judge them; then they shall justify the righteous, and condemn the wicked. And it shall be, if the wicked man be worthy to be beaten, that the judge shall cause him to lie down, and to be beaten before his face, according to his fault, by a certain number. Forty stripes he may give him, and not exceed: lest, if he should exceed, and beat him above these with many stripes, then thy brother should seem vile unto thee.<sup>190</sup>

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187. 3 DEMAR, *supra* note 179, at 208-09. *Exodus* 22:14-15 says:

And if a man borrow ought of his neighbour, and it be hurt, or die, the owner thereof being not with it, he shall surely make it good. But if the owner thereof be with it, he shall not make it good: if it be an hired thing, it came for his hire.

188. RUSHDOONY, *supra* note 67, at 272.

189. *Id.* (“God’s purpose in redemption is the ‘restitution’ or ‘restoration’ of all things in, through, and under Jesus Christ as King. The goal of history is the great ‘regeneration,’ or new genesis, of all things in Christ.” (citing *Acts* 3:21; *Matthew* 19:28)); *id.* at 462 (“Restitution thus is closely linked to atonement, to justice, and to salvation.”); *id.* at 463 (“Salvation is inseparable from restitution, because God’s redemption of man and of the world is its restoration to its original position under Him and to His glory. Man’s work of restitution for the sin of Adam, for his own original sin as it has worked to mar the earth, is to recognize that, as a new creation in Christ, he must make the earth a new creation under Christ. The work of Christ in man is this work of restitution.”).

190. *Deuteronomy* 25:1-3. Even *Proverbs*, which undoubtedly speaks of general principles universally applicable to individuals and societies throughout all ages, speaks approvingly of corporal punishment as the appropriate method of punishment for a fool. *Proverbs* 10:13 (“[A] rod is for the back of him that is void of understanding.”); *id.* 19:29 (“Judgments are prepared for scorners, and stripes for the back of fools.”); *id.* 26:3 (“A whip for the horse, a bridle for the ass, and a rod for the fool’s back.”).

According to God's standard of justice, corporal punishment is not inhumane, but is appropriate in certain circumstances ("worthy to be beaten," "according to his fault"). However, God clearly institutes an objective, bright-line rule limiting the extent to which this form of punishment can be implemented. Interestingly, God's Law here is expressly concerned with protecting the human dignity of the offender ("lest . . . thy brother should seem vile unto thee").

c. Capital Punishment

God established capital punishment in the days of Noah as the justly required punishment for murder.<sup>191</sup> Subsequently, in His fuller revelation of the principles of civil justice to Moses, God reaffirmed the necessity of capital punishment for murder.<sup>192</sup> Moreover, God also prescribed capital punishment for other types of crimes.<sup>193</sup>

It is beyond the scope of this Article to examine all the different arguments on both sides of the debate over whether God intended each of the offenses categorized as capital crimes in the Mosaic Law to continue as capital crimes in the new covenant era.<sup>194</sup> This author acknowledges the possibility that some capital crimes in old covenant Israel might have been typological in nature and might have pertained simply to Israel's special redemptive-historical position in the old covenant, rather than illustrating those principles of civil justice that are universally binding on all societies. However, since God instituted capital punishment as the necessary and appropriate penalty for murder long before Israel came into existence as a special nation, capital punishment should be acknowledged, at the very least, to be the penalty that God's universal standard of justice requires for murder.<sup>195</sup> Perhaps there are other capital crimes under the Old Testament

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191. *Genesis* 9:5-6. The fact that God created man in His own image is the reason why God requires capital punishment for murder:

And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.

*Id.*

192. *Exodus* 21:12-14; *Leviticus* 24:17, 21; *Numbers* 35:16-21, 30-31, 33-34.

193. JOHN JEFFERSON DAVIS, *EVANGELICAL ETHICS: ISSUES FACING THE CHURCH TODAY* 179-80 (2d ed. 1993) (listing eighteen capital offenses under the Mosaic Law).

194. For different views on this issue, see BAHNSEN, *supra* note 2, at 421-52, and DAVIS, *supra* note 193, at 175-88.

195. John Jefferson Davis takes the position that "while the civil laws of Israel regarding capital punishment are no longer binding in the New Testament age, the mandate given

Law that reflect God's universal standard of justice as well.<sup>196</sup> This author encourages adoption of the following hermeneutical principle for evaluating the Mosaic capital crimes: any crime God described in the Mosaic Law as meriting capital punishment remains a capital crime for Christian societies today, unless careful exegesis reveals that a particular crime was a capital crime only for typological, redemptive-historical reasons, and not also for reasons inextricably related to God's universal standards of civil justice.

#### d. Incarceration

Whereas restitution, corporal punishment, and capital punishment are all explicitly authorized and prescribed by God in His Law as just forms of punishment for certain offenses, incarceration is *never* prescribed as a penalty for *any* crime in the Law of God.<sup>197</sup> The pagan nations in both the Old and the New Testament utilized incarceration as a form of punishment,<sup>198</sup> but God never commanded His people to employ incarceration as a penal sanction.

There are only two types of instances of incarceration in Israel. First, incarceration was an acceptable means of holding an accused temporarily until he could be brought to trial.<sup>199</sup> Second, incarceration was employed as

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through Noah (Gen. 9:6) is still valid and sanctions the capital penalty for the crime of murder." DAVIS, *supra* note 193, at 183; *see also id.* at 179-81 (explaining Davis' thoughts on this issue).

196. Interestingly, the Apostle Paul affirmed the validity of capital punishment in the context of being accused with a multiplicity of offenses. *Acts* 25:7-11. After the Jews "laid many and grievous complaints against Paul," he declared, "[I]f I be an offender, or have committed any thing worthy of death, I refuse not to die . . . ." *Id.* 25:7, 11. Bahnsen maintains that: "Paul's words have the effect of showing that there are a *plurality* of crimes (vv. 7, 9, 11) for which the death penalty is valid in the New Testament age . . ." BAHNSEN, *supra* note 2, at 450. Furthermore, Bahnsen argues that: "If the death penalty had been abrogated for all but one capital crime in the Older Testament [i.e., murder], then Paul was either not aware of that fact or unwilling to take a stand for it . . ." *Id.* at 451.

197. 3 DEMAR, *supra* note 179, at 206 ("The Bible makes no mention of imprisonment as a legitimate punishment."); RUSHDOONY, *supra* note 67, at 514 ("A concordance will quickly reveal that many references to prisons appear in the Bible, but none in the law itself. . . . [T]here is no reference to imprisonment as a punishment [in the Law].").

198. *See, e.g., Genesis* 39:20; 40:1-4; *Judges* 16:21; *Ezra* 7:26; *Acts* 16:23-24; 28:17, 20, 30; 2 *Corinthians* 11:23; *cf. 2 Kings* 25:27-29.

199. 3 DEMAR, *supra* note 179, at 206 (citing *Leviticus* 24:12 and *Numbers* 15:34 as examples); RUSHDOONY, *supra* note 67, at 514-15 (same). As Rushdoony concludes, "The prison appears in Biblical law only as a place of custody, pending trial. There is no direct reference to prisons [in the Law]." *Id.* at 515. Rushdoony further makes the following intriguing comment: "Emphatically, in Biblical law the goal is *not punishment but restoration*, not the infliction of certain penalties on criminals but the restoration of godly

a penalty or punishment by ungodly Israelite rulers whom Scripture condemns rather than commends.<sup>200</sup> Other than these instances, there are no biblical examples of incarceration in Israel. Thus, according to the principles of God's judicial law, a Christian society should require restitution and/or corporal or capital punishment as the consequence for certain offenses within the jurisdiction of the civil magistrate. However, incarceration as a penal sanction lacks the validating sanction of God's holy standard of justice.

#### V. PRINCIPLES FROM GOD'S LAW FOR MODERN CHURCH-STATE RELATIONS

Now that this Article has examined some of the reasons for viewing the principles of God's Law as authoritative for modern Christian societies and has also examined some of the ways in which certain principles of God's Law apply to the modern Church and state, it will now consider some of the principles of the Old Testament that apply to modern Church-state relations. Specifically, this Part will examine the jurisdictional discreteness between the institutions of the Church and the state, as well as the harmonious nature of the joint mission God has entrusted to the Church and the state.

##### A. *The Jurisdictional Discreteness Between Church and State*

As Calvin noted several centuries ago, "The church does not assume what is proper to the magistrate; nor can the magistrate execute what is carried out by the church."<sup>201</sup> This concept of the jurisdictional separation

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order. The center of attention is thus not the criminal but the righteous man and the total godly order." *Id.*

200. See, e.g., *Jeremiah* 20:2; 37:15-21; 38:6, 13, 28; *Matthew* 14:3. It is unclear whether Ahab's consignment of Micaiah to prison in *1 Kings* 22:27 was an example of a temporary holding place or a penal sanction. Regardless, however, Ahab was one of the most wicked kings in Israel's history, and his actions are certainly not a valid basis for normative principles of justice. See *1 Kings* 16:30-33 (noting that Ahab was more wicked than any of the kings of Israel who preceded him). New Testament examples of wicked authorities who temporarily incarcerated godly men may be found in *Acts* 4:3, 5-7 (describing how the religious leaders imprisoned Peter and John overnight and then examined them the following day), and in *Acts* 5:17-28 (describing a similar occurrence involving all the apostles).

201. CALVIN, *supra* note 80, at 1215.

between the institutions of ecclesiastical and civil authority is rooted ultimately in the Old Testament itself.<sup>202</sup>

### 1. Moses and Aaron

One example of where Scripture teaches that there are distinct boundaries separating the authority of the Church and of the state is apparent in the duties of Moses and Aaron themselves. As Gary DeMar summarizes, Moses' duties were "basically judicial in nature,"<sup>203</sup> while "Aaron and the priests were to govern the 'religious' affairs of the nation."<sup>204</sup> When Aaron died, his office as high priest was assumed by his son, Eleazar.<sup>205</sup> When Moses died, his office as chief civil ruler was filled by Joshua.<sup>206</sup> Both of these successors were chosen by the Lord.<sup>207</sup> In other words, God did not want the two offices to be held by the same person and thereby risk becoming intermingled, confused, or blended with each other.<sup>208</sup>

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202. BAHNSEN, *supra* note 2, at 389 ("[T]he Older Testament indicates a standing separation of church and state . . ."); 1 GARY DEMAR, *GOD AND GOVERNMENT: A BIBLICAL AND HISTORICAL STUDY* 171 (2d rev. ed. 1990) ("The concept of a *functional* separation [between Church and state] is rooted in the Old Testament."); *see also id.* at 170. For a discussion of the Bible's teaching on the separation of Church and state, *see* BAHNSEN, *supra* note 2, at 389-419; 1 DEMAR, *supra*, at 169-81.

203. 1 DEMAR, *supra* note 202, at 171 (citing *Exodus* 18:16); *see also id.* at 178 ("It was the duty of Moses to govern *civil* affairs."). In *Exodus* 18:16, Moses states, "When [the people] have a matter, they come unto me; and I judge between one and another, and I do make them know the statutes of God, and his laws."

204. 1 DEMAR, *supra* note 202, at 171; *see also* BAHNSEN, *supra* note 2, at 389 ("There was a distinction between the work of Moses and that of Aaron, for Aaron represented the people in distinctly cultic matters while Moses rendered general, civil leadership for them (functioning a king over the gathered heads of the tribes).") (citations omitted); 1 DEMAR, *supra* note 202, at 178.

205. *Numbers* 20:28.

206. *Id.* 27:15-23; *Deuteronomy* 34:9.

207. *Numbers* 20:23-28; *see Joshua* 1:5-9; 3:7; 4:14.

208. In *Numbers* 32:28, Moses gives instructions for the future to both "Eleazar the priest, and Joshua the son of Nun," along with "the chief fathers of the tribes of the children of Israel." *Id.* Even in Moses' mind, there was a distinction between the authority and role of Eleazar and the authority and role of Joshua. Moses had to address both the priest and the magistrate equally about what would need to happen in the future; he could not simply speak to one and treat one as superior to the other.

## 2. Saul and Samuel

Samuel was an interesting figure in Scripture, since for much of his life he occupied the position of *both* civil judge and ecclesiastical priest.<sup>209</sup> Late in Samuel's life, the people of Israel asked him to establish a king who would judge them "like all the nations."<sup>210</sup> This was when Samuel anointed and established Saul to be king over Israel.<sup>211</sup> However, Saul's anointing as king did not make him the replacement for everything that Samuel had been. Samuel had been (unusually) both a priest and a civil judge. Saul's kingship made him only a civil ruler, not a priest. The significance of this fact is strikingly illustrated in 1 *Samuel* 13.

In 1 *Samuel* 13, Saul was confronted with an intimidating Philistine army.<sup>212</sup> Saul waited one week, "according to the set time that Samuel had appointed: but Samuel came not to Gilgal [where Saul was]; and the people were scattered from him."<sup>213</sup> Accordingly, Saul decided to offer a burnt offering to the Lord, and just as he finished this priestly function, Samuel arrived on the scene.<sup>214</sup> Samuel's response to Saul's usurpation of the priestly prerogative was to rebuke Saul for his folly and disobedience against God, and to announce that Saul's reign over Israel would not continue and become an established dynasty, but that the kingdom would be given to another individual, "a man after [the Lord's] own heart."<sup>215</sup> The king had no authority to assume ecclesiastical functions in Old Testament Israel.<sup>216</sup>

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209. See 1 *Samuel* 2:18; 7:15-8:1. Significantly, Scripture also refers to Samuel as a prophet. *Id.* 3:20; *Acts* 3:24; 13:20. Thus, Samuel was an Old Testament type of Christ, who holds the three offices of Prophet, Priest, and King. See WESTMINSTER CONFSSION OF FAITH VIII.1 (1646); WESTMINSTER LARGER CATECHISM QQ. 42-45 (1646).

210. 1 *Samuel* 8:5.

211. See *id.* 8:6-7, 22; 9:15-17; 10:1, 17-25.

212. *Id.* 13:5-7.

213. *Id.* 13:8.

214. *Id.* 13:9-10.

215. *Id.* 13:13-14.

216. Interestingly, before Saul became king, while Samuel was still both priest and judge, Samuel offered a burnt offering as "the Philistines drew near to battle against Israel." *Id.* 7:10. Since Samuel was a lawfully ordained priest, God accepted Samuel's offering and delivered His people Israel that day by miraculous intervention. See *id.* 7:7-14. In contrast to God's acceptance of Samuel the priest-judge's offering, however, God viewed the later offering of a sacrifice by Saul the king in anticipation of another battle against the Philistines as rebellion against Him. *Id.* 13:13-14. This is explained by the fact that Samuel was both an ecclesiastical and a civil ruler, while Saul was merely a civil ruler. In other words, when

### 3. Uzziah and Azariah

Another example of the jurisdictional separation between Church and state in Old Testament Israel is evident in the interaction between King Uzziah and Azariah the chief priest.<sup>217</sup> God had richly blessed Uzziah during his reign as king over Judah,<sup>218</sup> and Scripture presents Uzziah as a king who “did that which was right in the sight of the Lord.”<sup>219</sup> However, “when [Uzziah] was strong, his heart was lifted up to his destruction: for he transgressed against the Lord his God, and went into the temple of the Lord to burn incense upon the altar of incense.”<sup>220</sup> In other words, the king arrogated to himself the right to fulfill a priestly function. Azariah took eighty valiant priests with him into the temple<sup>221</sup> and confronted Uzziah boldly and directly: “It appertaineth not unto thee, Uzziah, to burn incense unto the Lord, but to the priests the sons of Aaron, that are consecrated to burn incense; go out of the sanctuary; for thou hast trespassed . . . .”<sup>222</sup> Although Uzziah was angry with the priests for their rebuke and interference, God Himself struck Uzziah with leprosy right there in the temple, while the censer was yet in his hand.<sup>223</sup> Uzziah remained a leper for the rest of his life and had to live sequestered in a separate house while his son reigned over the land in his place.<sup>224</sup> God’s permanent act of chastisement against a king who had been so righteous in the past may seem severe, but it illustrates powerfully the seriousness with which God views the necessity for a jurisdictional separation between His ministers in the Church and His ministers in the state.

### 4. Post-Exilic Examples

During the post-exilic period of Israel’s history, the jurisdictional discreteness between the institutions of the Church and the state remained. This is apparent from the distinct positions and roles of Nehemiah as the

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Saul tried to be a Samuel, God took away Saul’s kingdom. Why? Saul was not a Samuel. He was only a king.

217. 2 *Chronicles* 26:16-21.

218. *See id.* 26:5 (“[A]s long as he sought the Lord, God made him to prosper.”); *id.* 26:6-15 (describing the military power and successes of Uzziah).

219. *Id.* 26:4.

220. *Id.* 26:16.

221. *Id.* 26:17.

222. *Id.* 26:18.

223. *Id.* 26:19-21.

224. *Id.* 26:21. The worst part of Uzziah’s judgment was the fact that “he was cut off from the house of the Lord.” *Id.*

civil governor and Ezra as a priest and scribe,<sup>225</sup> as well as of Zerubbabel the governor and Joshua the high priest.<sup>226</sup>

Thus, from the very beginning of Israel's formal civil organization under Moses all the way through the final historical pages of the Old Testament, the jurisdictions of the Church and the state were discretely separate. Indeed, God Himself enforced this jurisdictional separation, sometimes inflicting very harsh sanctions upon those who dared to violate the boundaries between the two institutions.

### B. *The Joint Mission of Church and State*

Besides teaching a jurisdictional separation between Church and state, the Old Testament also teaches that the Church and the state are to work together harmoniously to build, develop, nurture, and protect the kingdom of God in the world. God has His ministers in the Church and in the state, and He expects them to cooperate as they fulfill their respective responsibilities and strive towards a common end: Christendom. This Article utilizes the term "Christendom" to connote a Christian society, culture, or civilization. If Adam and Eve would not have fallen and plunged the human race into sin, what would they have worked towards and eventually accomplished? They would have fulfilled God's original charge to "[b]e fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth."<sup>227</sup> In other words, as Kenneth L. Gentry explains, Adam and Eve would have begun at Eden and eventually, through both them and their progeny, spread throughout the entire world, "subduing . . . the earth to the glory of God."<sup>228</sup>

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225. See, e.g., *Ezra* 7:1-6, 10-13, 21; *Nehemiah* 5:14-19; 8:9.

226. See, e.g., *Haggai* 1:1, 14; 2:2. There is good support for viewing both Zerubbabel and Joshua as types of Christ. See *Haggai* 2:21-23; *Zechariah* 4:6-7; 6:9-13. Christ is the head of His Church and the King of all earthly rulers. See, e.g., *Ephesians* 1:20-23; *Revelation* 1:5. A very few individuals in the Old Testament, like Samuel, may have been types of Christ insofar as they held both civil and ecclesiastical authority. However, now that Christ has come, there are no more types of the Messianic office, and Jesus is the only One who legitimately can hold ultimate authority in both the ecclesiastical and the civil jurisdictions. The norm in the old covenant was to have separate rulers over the Church and over the state; *a fortiori* this should continue to be the norm in the new covenant, now that the need for and function of Messianic types have passed away.

227. *Genesis* 1:28.

228. KENNETH L. GENTRY, JR., THE GREATNESS OF THE GREAT COMMISSION: THE CHRISTIAN ENTERPRISE IN A FALLEN WORLD 13 (1990). Gentry notes that the original "Creation Mandate" of *Genesis* 1 and the Great Commission, or the "New Creation

If man's original calling and purpose was to subdue the entire earth and create a magnificent civilization that glorified his Creator, then the work of Christ on the cross carries cosmic cultural ramifications. If Jesus' death and resurrection removed all, and not simply some, of the effects of the Fall, then His redemptive work was not limited to saving individual souls (although that is crucially important), but also included saving human civilization and culture itself.<sup>229</sup> In other words, Christ has redeemed (or "bought back") humanity and human culture.<sup>230</sup> Christ died to save the world, not simply to save individuals out of the world.<sup>231</sup> Through Christ, who is the Second Adam, by the power of His Spirit working through the

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Mandate," bear extensive similarities and parallels. *See id.* at 10-14. Furthermore, Gentry observes that: "Upon his very creation, not only was man commanded to develop all of God's creation, but he actually began to do so. Culture is not an accidental aside to the historical order. Neither should it be to the Christian enterprise." *Id.* at 10.

229. GARY NORTH & GARY DEMAR, *CHRISTIAN RECONSTRUCTION: WHAT IT IS, WHAT IT ISN'T* 30-32 (1991).

230. *Id.* at 30-31. There are three main Greek words used to convey the idea of redemption in the New Testament. First, there is the word *agoradzo*, which means "prop. to go to market, i.e. (by impl.) to purchase; spec. to redeem." *Strong's, supra* note 2, at 4. Second is the related word *exagoradzo*, which means "to buy up, i.e. ransom; fig. to rescue from loss (improve opportunity)." *Id.* at 90. Third is the word *lutroo*, which means "to ransom (lit. or fig.);" *Id.* at 154. Thus, when we say that Christ came to "redeem the world," we are saying that Christ bought back the world from the power of Satan, *see John* 12:31, ransoming and rescuing it from the effects of the Fall, and purchasing it for Himself, for His own ownership and Lordship. *See NORTH & DEMAR, supra* note 229, at 30-31.

231. *See, e.g., John* 1:29 (John the Baptist declaring that Jesus is "the Lamb of God, which taketh away the sin of the world"); *id.* 3:17 (explaining that "God sent not his Son into the world to condemn the world; but that the world through him might be saved"); *id.* 12:47 (Jesus affirming that He "came not to judge the world, but to save the world"); *1 John* 4:14 (stating that "the Father sent the Son to be the Saviour of the world"); *see also 2 Corinthians* 5:19; *Colossians* 1:20. If God sent Jesus to save the world, then how can Jesus fail in His mission? If some people will experience God's eternal wrath and judgment in hell, *see Matthew* 25:31-46; *Revelation* 20:15, then the concept of saving the world cannot mean saving each and every last person in the world. Otherwise, Jesus would be a failure, and His death would not accomplish its full purpose. Rather, saving the world must mean that the world as a whole, as a system, as a collection of cultures that represent the human race and the civilization it produces, is redeemed, sanctified, transformed, and glorified by the power of Christ's redemptive work on the cross. This is the power of the cross: it saves the world. *See NORTH & DEMAR, supra* note 229, at 30 ("The whole earth has now been judicially redeemed."); *id.* at 31-32; BENJAMIN B. WARFIELD, *THE PLAN OF SALVATION* 102-05 (Simpson Publishing Co. 1989) (1915); DOUGLAS WILSON, *EASY CHAIRS, HARD WORDS: CONVERSATIONS ON THE LIBERTY OF GOD* 73-74 (1991).

Church, the ultimate mission of the first Adam will be realized.<sup>232</sup> God's purposes for creation will not be thwarted, either by rebellious man or by Satan and his minions. Rather, God will see to it that His creation ultimately becomes what He intended it to become. That is why He sent His Son to die on a cross. God does not give up on His creation; rather, He redeems it and remakes it.

Since Jesus came to redeem and restore all of the created order, He came to redeem and restore the institutions of both the Church and the state. Each of these entities has a place within God's redemptive purpose for His world. Isaiah prophesied about the way in which civil rulers would one day relate to the Church: "And kings shall be thy nursing fathers, and their queens thy nursing mothers . . . ."<sup>233</sup> The jurisdictional separation between Church and state does not mean that civil rulers are to ignore God's Church. Rather, the fact that the civil rulers are God's ministers with the power of the sword<sup>234</sup> means that they have a duty to nurture and protect the body of Christ in the world. In other words, God's civil ministers must use their God-given authority to protect God's people. They fulfill this task by punishing those who do evil and praising those who do well, according to God's definitions of good and evil.<sup>235</sup> As godly civil rulers punish evil and encourage good as defined by God's Law, and as the Church fulfills her spiritual duties to proclaim the gospel, teach the commands of God, and administer the sacraments,<sup>236</sup> Christendom appears. When the Church and the state both fulfill their God-given responsibilities and adhere to their God-ordained jurisdictional boundaries, the world is restored. When the Church and the state work together under their common Lord to fulfill His revealed will, God's purposes for creation are ultimately realized and gloriously displayed.

## VI. CONCLUSION

This Article has attempted to demonstrate the continuing authority of the principles of God's Law for modern individuals, churches, and societies. If the Church will recognize the goodness and holiness of God's Law, if the

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232. RALPH ALLAN SMITH, *THE COVENANTAL KINGDOM: A BRIEF SUMMARY OF THE BIBLICAL ARGUMENT FOR POSTMILLENNIALISM* 35-36 (rev. ed. 1999).

233. *Isaiah* 49:23.

234. *See Romans* 13:1-6; *see also supra* Part IV.B.1 (explaining the significance of the term *diakonos* in *Romans* 13 to describe the civil magistrate).

235. *See supra* Part IV.B.1.

236. *See Matthew* 28:19-20; *Acts* 2:42.

state will follow the universal principles of justice expressed in God's Law, and if these two divinely ordained institutions will work harmoniously within their respective jurisdictional boundaries as defined by God's Law, then society will be blessed. The world will be restored. Christendom will happen. God will be glorified and will be all in all.<sup>237</sup>

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237. As Paul explains, after Christ "shall have put down all rule and all authority and power," and "when all things shall be subdued unto him," Christ will "deliver[] up the kingdom to God, even the Father," who will then "be all in all." See 1 *Corinthians* 15:24-28.