

THEONOMY: A PRELIMINARY THEOCRATIC CRITIQUE

By James Jordan

I. CHRISTIANITY IS THEOCRATIC IN THE FULL SENSE

The Bible requires us to be theocratic. The nations are to be disciplined under Biblical Law, Mt 28:18-20. Popular view is the only theocracy is in the Church. The Church is to be ruled by biblical Law. But Mt.28 teaches that the vision is not for the Church alone - IT IS FOR THE NATIONS AS WELL. The goal of Mt 28 is that every nation be disciplined under biblical law and recognize Christ as King. Context of 28:19 is Gen. 11. - the nations at the tower of Babel. Israel is to minister to those nations Ex.19:5,6 as a nation of priests. Jesus says that we are to put this into force - all nations are to be theocracies in some sense. We can't limit our vision to only the church. Do you believe that a Christian world-view ought to be running the gov't? Yes!! We must explain "how" (this is harder).

II. THE GOSPEL MESSAGE IS THEOCRATIC

A. The modern Gospel

In our society, people think that the Gospel is "Christ died for people and God saves sinners". That is not distinctive to the NT. Throughout the OT, it was clear that God was going to save sinners. The Good News of the NT which is proclaimed as the NEW thing is beyond the idea that God makes a way of salvation for sinners. It is beyond the idea of substitution b/c the idea of substitution is in OT.

B. The NT NEW news.

What is NEW is made plain in the book of Acts in sermon after sermon. It's not so much what we think of the Gospel nowadays because its far more theocratic. Acts 2:33-36 - what is this good news? That Christ has been made KING of the world! the enthronement of Christ. He will rule until all things will be put under His feet. Now that's new! That wasn't true in OT. The good news is that the power of Satan to blind the nations has been broken. The distinctive good news is "X is King". The distinctive GN (Good News) is that since X is king, he has poured out gifts (HS) to men. That is the distinctive GN of the NT. X is ruler over all things. Of course, the gospel involves saving sinners, it means salvation. The New news that was exciting to them was the theocratic message of the kingship of Christ.

Acts 3:12-26 (22,23) - GN is that that prophet has come. The GN is that He is in charge! GN is that whoever doesn't listen to him will be destroyed! GN is that HISTORY HAS CHANGED! In OT, individual people got changed but history never got changed. GN is Satan is driven out. The keys of the kingdom (which were in the hands of angels-Gen 3:24) are given to the church. That is a theocratic message.

Acts 4:8-12 (v.10) - the resurrection! How does the resurr. fit into the modern view of the Gospel? Apostles repeatedly preach resurr. in Acts and how does that fit into "God has provided a way of salvation"? Well, it is the proof that X's work is true. But in Acts, it is more than that. It means that HISTORY has gone from death to life. In OT, if someone had leprosy and you touched them, you became unclean. Unclean means "ceremonially dead". Same if you touched the dead or issue of blood, killed people in war, touched dead animal - you were unclean, ceremonially dead; anytime you touched death, death spread and death spread to all men. And that was pictured by all these laws of uncleanness and all these various forms of death! Even if you gave birth to a baby, you were ceremonially dead for a time. In NT, a women with an issue of blood touches Jesus, power goes out from him and cleanses her. Now life spreads to all men. Resurr. means history has changed and part of that means Jesus is raised, he ascended, he has become the king. It is a theocratic message. History has changed not just individual people. People were saved in OT but the world wasn't saved until now. Now the theocracy has really started.

Acts 5:29-32 (31) - the heart of the message: the exaltation of X means that forgiveness of sins have been given in a definitive way

Acts 7:56 - Stephen's sermon is an indictment aga. the people of Israel but at the end of the sermon Stephen sees the exalted Christ. It's a theocratic message that the Israelite leaders can't stand!

Acts 10:42-43 - forgiveness of sin is definitely part of the GN but now its secured in a way that it wasn't in OT. An integral part of that securing is the kingship of Christ.

First point was Xnity is theocratic because we are to disciple the nations not just the Church. Second, the Gospel message itself is theocratic.

III. THE THEOCRACY IS A BIBLIOCRACY.

It is ruled by the Bible! 2 Timothy 3:16,17

Everything in OT and NT is profitable for teaching, etc. **for every good work.**

e.g. One good work is politics. So all Scripture is profitable to teach in the area of politics: the book of Eccl. is profitable for politics; S of S is profitable for politics; the Mosaic Law is profitable for politics. If all Scripture is adequate for every area of life, then obviously the mosaic law is adequate for every area of life. The ceremonial law is profitable for every area of life. Everything in the Bible is still profitable and authoritative for every area of life. All scripture for all of life means that the mosaic law is profitable for politics. So are the other laws. They are all profitable for righteous living. Bottom line: if we are theocratic, if we are to disciple the nations, if X is king then the Bible is His Law; from cover to cover, not just part of it; and for every area of life. This is controversial in itself b/c it means we are not going to pay much attention to "common grace". No one can agree on what it is. Maybe there is some kind of

CG that keeps the wicked from being as bad as they can be, but you can't build anything on that. It doesn't tell you anything. If you cry out in the night, "O Common Grace, tell me what to do!" you get no answer. And the same is true with natural law (NL). You can adjust and redefine NL in such a way that it is almost Xn but why not use the name X and the Bible instead. If God sent His Son to die for you, why not use His Son's name; He might be offended if you don't. People don't want to say X is king so they say NL. We should not talk that way (CG or NL) because the Bible doesn't talk that way. But whatever it is, it doesn't have much content. So we are back to the Bible and the Bible has to be the Law book for all of life. This is different than the common Reformed view BUT IT IS NOT THE SAME AS THEONOMY!!!

IV. BIBLICAL THEOCRACY IS NOT THE SAME AS THEONOMY

A. What is Theonomy?

The word theonomy comes from two Greek words: *theos* - God; *nomos* - law. "God's Law". Who's going to disagree with God's law? No one. There are a lot of people who claim to be theonomic. Paul Tillich (a radical liberal theologian of this century) claimed to be a theonomist. What he meant by that is not what we would mean. In Reformed circles, it means "Greg Bahnsen's approach to the Law of God" which is questionable. I'm not a theonomist with "t" or "T". I am a theocrat. I'm a theonomist in the sense that I believe that God's law applies today. But I'm not a theonomist in the sense that I agree with Greg Bahnsen's particular approach to God's law. I don't disagree with all of it but I don't agree with those things that are most characteristic of his approach. Theonomy is so closely related to G. Bahnsen that the use of the word "theonomy" is not profitable. Theonomy seems to me Greg Bahnsen and I don't agree with Greg Bahnsen.

B. Who speaks for Theonomy?

Greg's new book (*No Other Standard: Theonomy and Its Critics*) he raises the question "who speaks for theonomy?" On pg. 19 he raises that question and answers that he speaks for the position. Bahnsen says Jordan and Sutton have departed from the Theonomic position which means that have departed from Bahnsen's definition of theonomy (p.24). If Bahnsen is the definer of theonomy than I'm not one. On p.26, Bahnsen claims to be the one who has established the current definition of Theonomy with his first book "Theonomy is Christian Ethics" and therefore, he says what it is and what it isn't. If you agree with GB than you're a theonomist, if you don't agree with him than you are something else. On p. 27, he defines it: **"All theonomists affirm while all non-theonomists deny, that we should presume that all OT criminal and penal commands for the nation of Israel not specifically revealed earlier are standard for all nations of the earth."** The word "standard" is fuzzy here. Greg actually means "they are binding on all the nations of the earth." As a Biblical theocrat we would say that the Bible is a standard. But

there are some other things that must be considered. Gary North and Gary DeMar treat him as the spokesman for Theonomy.

V. Problems with Theonomy

Many critics have failed to answer GB properly because they have misunderstood what GB was saying, they have twisted what he said, they are unsympathetic to the idea that the Bible should be used for all of life (they are presuppositionally anti-theonomic: the Bible is only for the church or common grace or natural law is what we should live by);

The issue is hermeneutics: How do we get the answers we need from the Bible?

Theonomy is not terribly helpful in getting all the answers that we need. If 2 Tm 3:16,17 is true as defined above, theonomy doesn't do an adequate job.

A. (1) What is "law"?

First problem is how the word "law" is defined. Not sure what they mean by the word "law". Is it the same as how the Bible uses the word "law" or "Torah"? Torah is broader than the word law. **Torah means "the teaching of God and the revelation of the mind of God."** And it includes not only the "thou shalt nots" and "if a man does this, you shall do such and such" but it also includes wisdom and motivation - "remember that you were a servant in Egypt, so be kind to strangers"; all these kinds of things are in there and they are not just laws. In English, law means "a law code". It establishes liability. When we look at the OT at the things that are called "law", it includes the whole book of Genesis, and a whole lot of other things that we would not consider "law". Yet most "theonomic" literature is only thinking of law in this (English) narrow sense. Are we doing justice to the text if we go through and isolate out those verses that deal with law. Then we make a list and say that these laws (decontextualized) are the laws of God for the nations. So "theonomists" don't do an adequate job of defining "law". What do they mean by it? Some of the "laws" of the OT don't make a great deal of sense to us. For instance, we are told not to yoke an ox and an ass together. As I understand it very few people would do such a thing. I don't think you could plow a straight line if you yoked an ox and ass together. So why does God bother to give that law? Yet, there are a lot of things that the Bible doesn't deal with that you would expect it to (e.g. pollution laws?). **IMPORTANT NOTE:** if you approach the Bible with modern spectacles (a modern view) than you are going to misperceive what is there because you are approaching it asking the question "What are the laws?" The Open Bible has all the various laws listed in the back: all modern categories, e.g. tort, civil, etc. It is helpful but this is an abstraction from God's revelation. That is not how God revealed it. We are not coming to grips with the word of God if we just read that abstraction. We've got to be sensitive to this because it can make a difference in how we study.

B. (2) Is there a "law code" in the Bible, in the Torah?

Does the law move from the general to the particular and dividing cases? Are the laws in the Bible arranged in Raymist (spelling??) principles? The perfect example of the Raymist principle is Puritan sermons: three points with three subpoints under each point and three subpoints under each subpoint, etc. If you wrote a law code today, this is the way you would write it. You would state the general law and then begin to deal with each particular case. Then on and on with each general law. Is there something like that in the Bible? NO! It is not laid out like a law code. We have the Law of Hammurabi and other law codes and the Bible is nothing like them. This doesn't mean that the Torah is not useful for law, it's just not written as a law code. The "law sections" of the Torah are not laid out as a law code.

(1) Motives are "mixed in" the "code". Exo. 22:26,27

What kind of law is Ex. 22:26,27? The first part makes sense-its a law. But now we got all this other stuff mixed in that is kind of "sermonic" - Torah. It contains exhortation and a threat. This is not how laws are written. Motivations and exhortations are part of the "law" of the Bible - this is Torah. Maybe Ex. 22:26,27 is not a law code, maybe its a sermon on social matters from God that naturally contains commands. This is different from a "law code". Its more like a series of preconditions or presuppositions to the formation of a law code. That is one aspect of this.

(2) The "code" is incomplete, Ex. 22:6

Exodus 22-23 looks much like a "law code" so we don't see this incompleteness but it is dramatic in 22:6. If you read it critically and ask "what's missing from this" then obviously you see alot missing from it. From this ("the spread of fire"), we can use this to develop a law for pollution but what was the major problem for the ancient world and for all the world until the 20th century? And still the major pollution problem in underdeveloped countries? (What was the greatest threat of pollution for the Rwandan refugees in the camps in Zaire?) Was it fire pollution or water pollution? It's water pollution. Your neighbor next door has his outhouse next to the stream you drink from. That's water pollution and that's the problem that everyone faces all the time over and over again in every culture of the world. What do you do with the guy up stream who has fouled it up or dammed it up? There is nothing in the Bible about it!! You would expect this problem to be addressed instead of a problem with fire pollution. Now we can apply this fire law but the question is, "Why didn't God address this problem (water pollution) which seems to be a more frequent problem than fire pollution?" I am not criticizing God, I'm criticizing the way we normally look at this. We've got to say "Why is this here and not something else? Why is it incomplete?" Another example: What about the death penalty for rape? Bahnsen must say 10 times in his book that the penalty for rape in the OT is death. The OT doesn't say that. It actually requires the man to marry the girl if he rapes her. Now if he rapes a married woman then that's adultery and that is the death penalty. There are some curious things. Things that you would expect the "law code" to cover and it doesn't. Or not covered the way you expect it to be covered.

(3) The "code" has odd phrasing, Ex. 22:6

"...fire spreads through thorns..." - why does it say this? Why add this odd phrase? Why not just say "...if fire spreads to another's field..." you are responsible? This is not a clear cut law. There is a reason for it being there but this is not written in the format of a "law code". This is a sermon from God. We make a mistake if we go to it expecting it to be a law code. If we say, "God set aside the nation of Israel and gave them a law code" that is not really true. "God set aside Israel and preached a sermon to them and they were suppose to derive from that information by which they might develop a law code" would be a more adequate way to understand this.

We moved it back a step. We moved it back to the area of **wisdom** instead of the area of legislation. This makes the meaning/application of the laws a little more fuzzy. And theologians don't want to do that.

Why does Ex 22:6 say "...fire spreads to thorns and then to your neighbors field..."? I can explain that; you might not buy it. What are thorns in the Bible? Thorns are bad evil people (see Judges 9:14,15). What is fire? Gossip, sins of the tongue (see James 3). If you were sitting on a law court (the elders at the gate were the law court of Israel) and a man said, "My livelihood has been ruined because my neighbor told some lies and the sons of Belial have spread it all over town and now nobody shops with me"? Would that come under this law stated in Ex.22:6? Yes, if you put some of the information of the Bible together, you can make this a human application of this particular law. In my mind, that is why God said "...if fire breaks out and spreads to thorns and then to your neighbors field..." It answers that question "Why did God write this?" We ought to ask such questions. "Thorns" are there for a reason and if we view Ex.22:6 as part of a law code, we won't find the reason. The foundational principle is this: the "law" passages of the OT are sermons from God that we can derive principles from and apply to civil matters. This raises some other questions because maybe not everything that God said to Israel is to be applied directly to other nations!

C. (3) Are these "case laws"?

Everybody assumes that they are. What are case laws? "Case laws" are specific laws that deal with exemplary specific legal cases as models. So you want to set up examples where "if a man does this than the penalty is ____..." - that is an exemplary case law. "Does the Bible intend to give us in these "smaller laws" (not the Ten Commandments) exemplary cases to be used as case laws?" That is not a good way to characterize them. We are bringing a wrong view point to the text if that's what we're looking for. It will distort our interpretation. If these were case laws we could expect that:

(1) they would be more complete.[See V.B.(2) above]

(2) they would be grouped in a legal case fashion (some coherent legal pattern). e.g. In Deut. 22:1ff, your Bible has these listed under the heading "Various Laws" (see also Chp. 23-25 and Lev. 19). The publishers couldn't figure out a pattern so they gave this label. But they are grouped into a pattern - grouped theologically (see James Jordan, "Covenant Sequence in Leviticus and Deuteronomy"). e.g., Deut. 22:1-3, is this a judicial law? There is no judgment

attached to it, it's a moral law. There is nothing that the state should do here. Bahnsen confuses these laws (Deut. 22-25) with judicial laws but they don't have a judicial side to them. Many of them just say "Do right" and they don't say "punish evil". **There is a big difference.** These are not case law groupings (vv.1-ff are not arranged in any coherent legal fashion). Some of these are not judicial at all. They are exhortations with no punishment attached to them except that maybe God might punish them. They don't work as case laws. They are teachings patterned after the Ten commandments and there are smaller groupings within each commandment. It might be better to call them "theological laws" or "sample laws" or "teachings".

Questions and Answers at the end of first lecture:

Q. Do other ancient law codes address such topics as "water pollution", etc. that are not addressed in the Torah?

A. Yes. Examples found in other law codes addressing such things as "water pollution", etc. In Salom Paul's book, "The Law of the Covenant and Ancient Qunay Form Law Codes" (1970) points out how incomplete the Torah appears when compared to other law codes. See Jordan's "The Law of the Covenant" where he addresses in more detail this absence of details of the Torah (pg. 69ff). It is noted that pagan law codes deal only with the secular aspects of their society, while we see in the Torah a mixture of social and religious aspects. See also "The Law codes of Hammurabi" as an example of the detail of a law code.

Q. The laws that appear to be very specific and not fuzzy such as those dealing with the punishment of "Sodomy", do we need to be cautious with these as well? Can their meaning/application be a little fuzzy, too? What about the laws that seem to be real clear? Should we be cautious with them as well?

A. Yes. Because, maybe as we learn more about the Bible, such laws won't be as clear as they were at first glance. The reason why I am comfortable with being cautious is that we are a long way off from the time where God will give the sword into our hands. So my advice to the Christian community is to be cautious, don't close the door too quick on this; there is alot more to discuss about this. Maybe there are areas of the Bible that we are not looking at that may be big things that may qualify and render some things more problematic. For example, the law of apostasy says that when a city goes bad it is to be burned up with fire. At first glance, okay, burn up the city with fire. But at second glance, it indicates that the city goes up as a whole burnt sacrifice. The implication there is that you take altar fire to do that. It is integral to the law that altar fire is used to burn the city up as a sacrifice. Today, we don't have any altar fire and if the altar fire today is the tongues of fire in the proclamation of the Gospel, then what that law might really mean is that we go with the Gospel and consume the city for Christ. And we're not suppose to really burn the city down in the New Covenant. So what initially looks clear but after a Biblical study of fire and altar fire makes the application less clear. Should we apply this literally? Was Calvin right in wanting to apply this literally to cities in Europe?

Q. Did Israel have the same challenge in applying these laws as you are suggesting for us?

A. Yes and no. They were suppose to meditate on it day and night so they obviously were continuing to seek applications and implications. On the other hand, there is an obvious difference between the way they viewed the law and the way we are to view the law. They were to obey whether they understood it or not. "...don't cut the edges of your beard..." what in the world does that mean? But we have to figure out what it means before we obey it or not. If God tells the Israelites to make tassels on the corners of their garments, they had to do it whether they understood "why?". But do we have to do that? We don't know until we figure out what it means! The fact is, we don't submit to the law the same way that they did. When we get to the NT and we are told that women cannot be pastors of the church, whether we understand it or not, we got to do it. So we clearly are under that covenant. We are not directly under the Mosaic laws. We've got to understand what they mean before we have to obey them. We got to figure out whether they apply to us or not. And that is a different mental activity that an Israelite had to go through - "I know that this law applies to me, and so I've got to obey it whether I understand it or not."

Q. On page 311 (No Other Standard - NOS), Bahnsen ridicules Poythress and Jordan for their hesitance to clarify penal sanctions for certain crimes, e.g. sexual crimes. ("...postponed civil justice..."). Should we be cautious in making quick penal declarations aga. certain crimes?

A. When you stand before kings, the Holy Spirit will give you what you need to do. We are not there today. Kings and presidents are not asking our advice on such (any!) matters. We only have five people in the US who have written on these subjects (all recent), so it is obvious that we haven't dealt with the issues adequately nor completely. We do not have a community of theological scholars broad enough to deal with the kind of spiritual discussion that the NT presents. Until we do, we should be cautious. At this moment, it is not an "all or nothing deal." I don't know if we have to settle it today. Nobody has made us a magistrate today. For example: Bestiality. Our witness is clear: "God hates this. God sends people to hell for this. The church excommunicates people for this". In the OT, God commanded people to be put to death for it. And maybe, we should put people to death today for it. That is clear. Does anybody have any doubts about that? We have one little question here that doesn't have much practical sense for us at this moment because no one is asking us to make a decision on it. We've got a long we to go before we start putting people to death for bestiality. Looking at 2000 years of church history, its not surprising that these issues have not been settled. The influence of Platonism, natural law, common grace have halted discussions about such issues. The idea of Althusius were aborted. The ideas of the Reformation were diverted 100 years later. We have millenniums to discuss and define these issues. We don't have to have a final answer today.

TAPE 2

D. (4) In What Sense is the Torah "Binding"?

Theonomists often talk about the law being binding in exhaustive detail. What does it mean for the law to be binding? There is a fundamental difference between how we are going to approach the law and the way they (the Israelite believer) would. The Old Covenant (OC) Israelite believer had to understand what God had commanded before he could obey it, whether he understood what it meant or not. That is, he had to understand the actual content of the command. Whether he understood its meaning or not, he was suppose to do it. That is different from the way the Gentile God-fearer and the New Covenant (NC) believer would respond to the Law. The Old Covenant Gentile God-fearer had to understand both what God had commanded and what it meant before he knew whether it applied directly to him or not. The New Covenant believer has to understand both what God commanded the OC believer and also what it meant before he knows whether it applies directly to him or not. For example, today we are told that women are not to be pastors in the church. Many people don't know what that means and don't like the idea, so they say they don't understand it and thus don't obey. The fact is, we understand that living in the NC, 1 Tim 2:11-14 is a law that is binding on us, whether we understand it or not. But if we look at Deut. 22:8-11, are these laws binding on us today? Would they have been binding on an OC Gentile God-fearer? Are hybrid seeds sinful for us today? Or mixed clothes?

(1) Were converted Gentile nations to build their own Tabernacle/Temple? (e.g. Ninevah-Jonah) How much of the Mosaic law was Ninevah to adopt? Were they to make another altar (Ark) which another Shekina Glory was to fill? Were they to become a second nation of priests? circumcise themselves and instituted the Passover? No. But should they have put murderers to death regardless of who (the rich, royalty, etc.) the murderer was? Yes. How would they know which of the Mosaic laws were they bound to? The Gentile God-fearer was going to have to figure out by looking at each individual case situation in the overall package (context) and see which law transfers over to them and which does not. This is a different mental exercise and is closer to wisdom than it is to submission. As soon as you understand that it applies to you, you've got to obey it. This is a different mental approach, and the theonomists don't take this into account. Were the Ninevahites bound to keep the laws prescribed in Deut.22:8-11? The theonomist would tend to say "Yes, they are binding unless they are obviously rescinded in the NT." Where are these laws rescinded in the NT? One thing is for sure, we have to understand what they mean before we know whether they are binding on us or not. Is it still the case that we should not plow with an ox and ass yoked together? The Israelite was not to do it period. But the Gentile God-fearer, outside Israel, was to ask, "Now does that law refer to something that is peculiar to Israel as a nation of priests or does it embody a universal moral principle that we Gentiles should obey as well?" We

as NC believers must do the same thing with the laws of the OT. So there is a different hermeneutical principle between them and us. So it means that we are not "under" these laws in the same sense that Israel was "under" these laws. We are not bound to them as the Israelites were bound to them. That is a very important distinction that is not addressed by theologians. We are doing theology by "sloganizing" if we say "Everything in the OT is binding." Well what does that mean? Of course, we are bound to everything in the Bible, 2 Tm 3:16,17. But this binding is not necessarily in the same sense at every point.

(2) What about the Ten Commandments?

Can we take the Ten Commandments and enshrine them as being unchangeable? Not at all. We all know that the Ten Commandments don't mean the same thing for us as they did for Israel. We don't keep the Sabbath Day holy. The NC church has already changed the Fourth Commandment. It is an automatic (instinctive) mental adjustment when we read the fourth commandment. What did the fourth commandment mean in the OT? Pre-eminently, it meant that we were not to stoke up our hearth fire or gather wood for our hearth fire. We would be put to death for both. Is that still true today? Does God have a hearth fire that burns twice as bright on the Sabbath day so that ours has to be reduced by comparison? Is it a sin for you to put extra logs in your fire place on Sunday (the Lord's Day)? I don't think so. What we have done is look at the Ten commandments, and we have tried to understand it before we obeyed it. Once we understand that it applies to us, we have to obey it. The theologians need to do more study in this distinction.

Bahnsen is unclear about the word "case laws". In what sense are case laws binding? Bahnsen seems to understand that everything outside the Ten commandments is the judicial law. He says on pg.102, "these principles are illustrated in the judicial case laws." On top of pg.103, he mentions "The OT case (**judicial**) laws". And throughout the book when he gives examples of what he means by judicial laws, frequently they are simply moral statements that are found throughout the warp and woof of the proper laws. So there is equivocation on what is meant by "binding" and "standing laws". If we're going to come to grips with the Bible to make it applicable, **which we have to do**, and if we want to reform society according to the Bible, **which we have to do**, we've got to have a hermeneutic that takes these things into account. I don't see theonomy doing it at least not yet.

E. (5) Does Bahnsen Understand Matthew 5:17-20 Correctly?

Bahnsen's view has not changed on this passage as first presented in "Theonomy in Christian Ethics".

(1) Importance: While Bahnsen says that theonomy does not require his interpretation of Matt. 5:17-20, the fact is that he leans on his interpretation (which he regards as obvious) constantly throughout his writings.

(2) Bahnsen's view - He prefers the word "confirm" (histemi) instead of "fulfill" (pleroo) in verse 17. Bahnsen spends nearly 100 pages defending his

interpretation: the word in v.17 means to "put into force" or "confirm". Paraphrase of the law: "I didn't come to do away with the law but to institute it, to cause it to stand, to put it into force..." That is a reasonable translation but there are some difficulties. Verse 18 indicates that there will come a time when it (the Law) does change. Why would it change then? Why would God's law change at the end of time and history? That is a good question that is not addressed.

(3) Problem 1: Clearly many of the jots and tittles have indeed passed away. We don't keep the sacrifices; we don't keep the laws of uncleanness; we don't keep the laws of mixed cloth. Bahnsen would reply "that some have passed away and some haven't". So verse 18 really means something different "...except those that do pass away..." than it first indicates. But that imports something into the text that is obviously not there and is not implied. What we are left with is a kind of hyperbole. Jesus is speaking hyperbolically similar to "...if you hand causes you to sin, cut it off..."

(4) Problem 2: "fulfill" everywhere else indicates the fulfillment of prophecy/typology, not just "confirm". If Bahnsen were correct, we should expect to see the Greek verb histemi ("cause to stand") instead of pleroo ("fulfill"). "Fulfill" (pleroo) seems to indicate a fulfilling of the typology of the OT here. It is implied. Bahnsen's answer to that is "It is obvious that Matt. 5-7 is a law passage. It is not talking about prophecy. It is talking about law. Jesus is saying 'get rid of this oral law tradition and stick with the written law that God gave in the OT.' Jesus cleans up the OT law and republishes it in Matt 5-7. The context is law not prophecy." On p.321, he discusses this. Bahnsen addresses Poythress's arguments about the "prophetic use" of the word "pleroo". He accuses Poythress and others of importing "prophetic and typological meaning" into the text of Matt 5-7. Law and prophecy are not as different as Bahnsen indicates. All of the Law proclaimed X and pointed forward to him. And it is not necessarily true that there is not any prophetic aspect to the Sermon on the Mount.

(5) A better interpretation takes the verse literally, but sees the passing away of the old heavens and earth as a first century event, the result of the crucifixion and resurrection of X. A better interpretation would be: "...I did not come to abolish them...but to bring them into their fullness...until heaven and earth pass away (which is going to happen at the cross not at the end of history)..." (v.17,18). Now if the horizon of verse 18 is not the second coming but the passing of the old heavens and earth with the coming of the New Covenant, then you can take this verse literally. At the cross, the old heavens and earth (the Jewish sacrificial system, the set up of the world with Jerusalem as its center) pass away and the New Creation is set up in the New Covenant. (See Jordan's book "Through New Eyes" for a more detailed defense of this position.) These verses do have an eschatological horizon. Verse 19, with the rest of the NT, indicates that the kingdom of heaven is coming NOW. Everyone is pressing into the kingdom NOW. The kingdom of heaven has come in Jesus. To help us understand this more clearly, we must look at the rest of Gospel history. What

does Jesus do in the rest of Gospel history? How does Jesus fulfill the Law? How does He bring it into its fullest exposition? How does He clarify the Law to its clearest point ever? How is the OC made operative in a way that it has never before operated? Jesus corrects the false understanding of the law, restoring the OC. He clarifies what the law says and this is eschatological. Now at the end of the OC, the law is clarified as it never was before. Another thing that Jesus does is that He heals people. We often think of these as "O Wow!" healings. "Wow, Jesus heals a blind man and now everyone will believe him." "Wow, Jesus raises a person from the dead, now everyone will believe." "Wow, a woman with 12 years of issue of blood touches him and she's healed; now everyone will believe." That is not really what's going on in the Gospels. To understand the healings in the Gospel, you need to read Leviticus 21 where the specifications for the priests of Israel are laid out. A priest may not be blemished, blind, deaf; if you touch a dead person, you're unclean, you can't be a priest. If you have issues of blood, you're unclean; leprosy, unclean, etc. What Jesus does is that He heals and cleanses Israel, restoring them as a nation of OC priests (Exodus 19:5,6). He cleanses them so that now they are clean to serve as priests to the nations. This is a redemptive historical event and this is why these miracles don't continue after that. They have a purpose. The people are re-constituted as a nation of priests. Jesus doesn't lengthen legs, and heal people who have cancer and other such healings. The kind of healings that He does are those that are listed in the OT as disqualifying people from entering the temple. This is prophetic and typological. Jesus forgives sins, renewing covenant with Israel as new Adams. We see masses of people enter the kingdom (3000 in Acts 2:41; 5000 Acts 4:4). The people enter the OC kingdom in its fullest form, under the Messiah's leadership. The people receive Him as king; He takes His seat in the Temple after cleansing it. In other words, Jesus "fulfills" the Law (Matt. 5:17-20). Everything that the OT said needed to be, comes to pass in a sense. This means that Matthew 5-7 is not just a law passage that you can extract out of its context. What the law is saying is that the kingdom is brought into its fullness in its "OC form". Physically perfect people, have access to God, their Messiah is enthroned in the Temple, the Temple is cleansed, the Law is fixed, and now comes the great dramatic moment. Given all these advantages, it is these people who reject Him. The people fall into sin and reject Him, with greater clarity of vision than ever before. This is one more fall. In the Bible, each time the Lord restores His people, the next story tells of the sin and fall of the people. The minute Saul becomes king, the next story is his fall. Immediately after David's kingdom is made secure, the next story is his sin with Bathsheba. The minute Israel is given the Law at Mt. Sinai, the next story is their fall into sin with the golden calf. In Ezra, after the completion of the wall, they start marrying "pagan" women. Every time the covenant is restored in the OT, the people immediately reject it and fall into sin, after the Adamic pattern. The climax of this whole cycle is here in the Gospels with the restored people rejecting their Messiah. It is clear who Jesus is, the more they know who he is the more they reject him. Man hates God so the more they realized that Jesus was God, the more they hated him. All that the Law

required in the way of punishment is fulfilled at the cross. This brings the "jots and tittles" to an end. In this way, the old heavens and earth pass away in the death and resurrection of the Messiah. In the new heavens and earth, we are in-lawed to Christ, and we are students of Moses. This is offered as an alternative way of looking at Matt. 5:17-20. But what about the law now in the NC? 2 Tim 3:16,17 solves that problem. All the Bible (the OT Law, wisdom books, Prophets, etc.) are still in force as being profitable for instruction in righteousness today. Matt. 5-7 is redemptive historical. Luke 16:16-18 - appears to affirm this position. Verse 18 speaks of divorce which by implication would refer to the relationship between God and Israel which is about to be severed (AD 70) by God's judgment of divorce. Luke 24:44 - "All things must be fulfilled". The same idea affirmed here. Jesus becomes the personification of the OC and in his death the OC dies as well. The NC is the OC dead and resurrected. The OC is transformed by the death of X into the NC. Others have offered this view for Matt. 5-7. Poythress doesn't see the passing away of the old heavens and earth in the death and resurrection of Jesus and in AD 70. Bahnsen doesn't take notice of this interpretation. He needs to if he wants to clearly address this issue completely.

F. (6) The Problem of "Restorative Law" - this is one of Bahnsen's major problems. He suggests that we not refer to these laws as the ceremonial laws but as the "restorative laws". Bahnsen has an erroneous statement in his book. Bahnsen says, "Since the fall, it is has always been unlawful to use the Law of God in hopes of establishing one's merit and justification." **It was unlawful to do that before the Fall.** This was never the purpose of the Law.

(1) Bahnsen's view - Bahnsen's position is that the ceremonial law only comes into play after the Fall. So that the laws of "sacred geography" are **post-lapsarian**. He says that you don't have sacred geography (and sacred time and calendar) until after the Fall. That is just not the case. These things were present in the Creation.

(2) All Laws are expressed in a context of the Fall
In the OT, when we read the laws of sacred geography and sacred calendar, they are all expressed in terms of sin and repentance. They presume man has fallen and these are ways back into salvation. That is the way they are written. But so is the moral law: "Thou shalt not murder", "Thou shalt not steal", etc., these things were written in the context of sin. All the law: judicial, moral, and ceremonial were written to a situation of fallen man. But it is also true that all three dimensions of the law were found before the Fall. Bahnsen's position makes it easy for him. Anything that points to the cross is gone and anything else remains. If we take a careful look at Gen.1-2, the situation isn't so easy. The New Creation changes the laws of geography and time.

(3) It is not as simple as Bahnsen thinks.
In Gen 1:14, part of the first heavens and the earth, the old creation, (now we have a New Creation and a New Heavens and New Earth), in Hebrew, verse 14 says "...the lights are to be for signs and **festival times** and for days and

years..." You have always heard that this means "seasons": winter, spring, summer, fall. The Hebrew says "Festivals times" which always in the OT means the times for special worship. And it is true that in the OT, the sun and moon mark out the time for special worship. You worship according to the moon. You watch the phases of the moon. Every time there is a new moon, you have the worship time. The 15th day after the first new moon of the year, you have the Feast of Unleavened Bread. You count 50 days from the Sabbath of that week and you've got Passover. In the 7th month, the new moon is not only a day of special worship but a day of blowing trumpets. You count 10 days from that moon and you have the Day of Atonement. You count 5 more days, and you start the Feast of Tabernacles. The moon regulates the whole thing. The sun regulates it because the sun tells you when the first month is. You will know which month it is according to the rising and setting of the sun in its annual cycle. That regulates the festival times and that was set up in Creation (Gen. 1,2) **before** the Fall. And its changed now. In the NC, the physical universe does not regulate the time of worship. The time of worship is exclusively regulated by man. We are no longer children under tutors. We regulate worship by counting 7 days. And there is nothing in the world to mark it out. The moon does not count out 7 days, the sun doesn't mark out 7 days. That is why January 1st falls on a different day every year. The cycle of the sun has nothing to do with it. Nor does the moon, its cycle is 28.231 days a month. So it is off. It is exclusively human to mark off Sabbath times - Lord's Day. That is all that's left according to the Reformed faith, in the NT as far as we are bound to worship on a particular day. We are to count these days because we, along with the Son of Man, are lords of the Sabbath. It is not marked out for us by Creation clocks. Those clocks are still there but they don't mark out festival times. These things (festivals, feasts, special days of worship) did not come after the Fall; they are Creation ordinances which is opposed to Bahnsen's view. The Fall qualified it.

The same is true with sacred geography. In Gen. 2:10-14, there is established one land as the central land (Eden -the Garden of God) in the world. The world was "watered" by this one central land from its water that flowed to the other lands. There was one central "**sanctuary**" land and its river went out and watered the other **inferior** lands. This same idea, where Israel was the central nation of the world and suppose to be priests ("water the nations with the Gospel of God) to the other nations, is seen in Exodus 19:5,6. This picture of one central sanctuary and one central temple on the earth, did not come into being because of the fall. It was establish at Creation. If it is changed in the NC, then it means that this whole Creation pattern has been superseded (passed away). In terms of cosmic order and structure, we are in a New Creation. In terms of a physical substance, we are not. But in terms of the organization of time and space, we are in a New Creation. We are also in a New Creation as far as the organization of people are concerned. In the OT, you have genealogies to establish who comes from the first Adam, but in the New Creation, you don't. We are not in-lawed to the first Adam but to the Second Adam. So the organization of persons, time and space has changed not from Moses to the NT

but from Genesis 1 to the NT. This is important to understand because we are already in the eternal life. Essentially, this new organization is the organization of Heaven. And legally and judicially, we have experienced the most important resurrection and transformation that counts. When you die and go to Heaven and get your new body, that is secondary to what you experienced in your spiritual resurrection. Which one is more important: going from death to life or getting a new body? Which is the consequence of which? The definitive change is the one that happens judicially and structurally **in history**. And the rest of it is the out flow. The fact that this world will be transformed and we also, is an outflow of what happened in history in 30 AD. And the change of the structure of the world is the change from the old creation to the New Final Creation. Now we have the outworking of that change. The first out working is that the calendar is changed, geography is changed, we are changed into the Second Adam; thus change takes place. Therefore, Bahnsen has not properly understood the ceremonial law at all. It's not just the laws that reflect sin that have changed, it is the laws that reflect the whole cosmic structure of the First Creation that have been changed. Bahnsen is incorrect in thinking that the only purpose of the ceremonial laws is to point to Christ and then they're gone. They did alot more than that. They were also moral laws for the people of that time. That is how God intended for them to live in that world. We don't live in that world and that is not how God intends for us to live in this world. This may indicate that in the holy land in the OT, sins maybe were punished more severely than they may have been in one of the out lying lands because of the structure of the world. Maybe the converted Ninevites should not have put people to death for some of the things that Israelites were supposed to be put to death for because of their different geographical situation. That is not just a mere ceremonial or restorative idea. It is something built into the structure of that world at that age.

Q. What about the tradition view of the WCF on the Covenant of Works and the Over Arching Covenant of Grace that doesn't have as radical a transformation as presented above?

A. At Westminster, these ideas are up for debate. There is alot of further thinking that needs to be done about this. What the WCF is getting at by that language of the over arching Covenant of Grace in two dispensations is true, but is that the best way to express the idea that they are trying to get at? This is the question: is there a better way to explain this view more accurately? It would be better to say Old Covenant (OC) and New Covenant (NC) because that is what the Bible says. OC is in Adam, NC is in X. OC receives many specifications in the OT; OC always expressed the Sabbath idea which is redemptive after the Fall. There needs to be more study in Covenant Theology regarding this. You can say it's perspectival but part of the question is: "Why doesn't the Bible say it that way? Why does it say it this way?" Bahnsen seems to be at home in this odd language of the WCF.

(Note: At this point on the tape, Jordan started in with a discussion of point H (8), #1 and #2, and then returned to G (7).

G. (7) Distinguishing Moral and Judicial Laws

This is a real weakness of Bahnsen's. His view sets him apart from the whole of church history in this area. He is either right or wrong in this area, and I think he is wrong.

(1) Bahnsen's view

He says, "There is no categorical difference between judicial laws and moral laws." "Murder is wrong, death penalty for murder is right. Kidnapping is wrong, death penalty is right". And these are both moral laws and they are both in the same category. Historically, the church has distinguished between moral, judicial, and ceremonial laws. Moral laws are the ones that tell you right from wrong. The judicial laws are the ones that tell you how to punish people who sin. The church punishes by excommunication. The family punishes with the rod. And the state punishes with capital punishment and other things. The system of punishments is a different idea than the idea of what is right and what is wrong. The reason is that some things that are wrong are not to be punished. God says, "I'll deal with it."

(2) But, clearly they are different

There is a clear difference between moral laws and judicial laws.

(a) Common sense

Common sense tells us there is a clear difference between the punishment of a sin and the sin itself. You can run them together but you can also run the ceremonial law with the moral law. The ceremonial law was a moral law for Israel. They were suppose to do it. If you remove the categories between moral and judicial, than you can remove them as well for ceremonial and moral laws. It would have been immoral for an Israelite to mix seed. He is disobeying God. The reason for that law has to do with sacred geography and Israel's position in that stage of history which we are not under. It would have been immoral for Israel to not punish apostasy with the death penalty. We can distinguish a difference between that disobedience (failure to punish apostasy) from the sin of apostasy itself.

(b) to see more on this distinction between the moral and judicial laws, it is discussed in more detail in Jordan's "The Death Penalty in the Mosaic Law"

(c) When the covenant is set out in five dimensions, we see clearly a distinction between stipulations and the sanctions. The moral requirements of covenant are the third section and the blessings or curses are the fourth section. They are different things.

(d) Under the Noahic Covenant, the same things were right and wrong morally, but the punishments were different. Only murder was punished by death. Under the Mosaic covenant, other things were punishable by death. Yet, in the Noahic Covenant, the same things were right and wrong morally as in the Mosaic Covenant. It was immoral to commit adultery under the Noahic

covenant but it was not punished by death. Under the Mosaic Covenant, it was immoral to commit adultery and it is punished by death. The moral things do not change, the judicial things obviously can change. Bahnsen totally mixed these things up. If he can demonstrate that moral laws and judicial laws are in the same category, then the entire question of the Mosaic law is settled. This hasn't convinced anybody, e.g. other theologians who interact with him. It is fairly obvious that there is a difference between the two laws.

TAPE 3

(3) Bahnsen confuses judicial law with "case laws". Judicial laws have to do with civil government and civil penalties. By no means do all the "smaller laws" deal with such matters. On p.255 of his book where he conflates the judicial law with the moral law, "Theonomic ethics does indeed see the difference between the Decalogue and the judicial laws." But many case laws are not judicial!! For example, Deut. 22:1-3 there are no sanctions or punishments; this is just an exposition of the moral law. There is a distinction between judicial and moral laws. In some sense we can clearly distinguish between that aspect of the law which calls upon human beings to inflict punishment and that aspect of the law that indicates what God is displeased with in human behavior. Throughout the Bible that distinction has been made; it is made in the WCF and Bahnsen wants to eliminate that distinction. At that point, his view is a departure from the tradition of the Church. On p.99 of his book, we see an instance of how he confuses the judicial penal sanctions with the moral commands. His argument for his position looks stronger than it really is because of this. He says, "All the jots and tittles of the judicial (case) laws are binding. The nations on the outside of Israel were to enforce the same penalties. In the NC, we are to enforce the same penalties." Then he runs through numerous examples of case laws outside the Decalogue which are appealed to, but none of them include penal sanctions. (*The following quotations come from Bahnsen's book "No Other Standard"*) For instance, on p.99, he has one example, "Jesus warned against dismissing even the least of God's OT commandments, Mt.5:19." True, but it is questionable how that applies to us (see V.E. above). He also goes to 2 Tm 3:16,17, "Paul taught that every OT Scripture is profitable for instruction in righteousness." "Not a single law or stroke can be violated with impunity," Js. 2:10; Mt 4:4; 5:18. These are the passages that say..."respect the whole law". The problem is that in the NC, we do violate a lot of specific laws, e.g. planting your crops, wearing garments of mixed cloth, etc. So his argument doesn't help us any. "When endorsing the OT law, the NT never stops to make special exception for the judicial laws." True, but that is an argument from silence. "When Jesus summarized the entire law, he quoted not just from the Ten Commandments but from two laws about love outside the Decalogue" Deut. 5:6; Lev 19:18. True but those aren't judicial laws, they are moral laws. "Laws outside the Decalogue were quoted as on a par with the Ten Commandments" Mk 10:19 - "...do not defraud...." True, but "do not defraud" is not a judicial law; it contains no penal sanction. It is a moral law. "Even the lighter demands of the law were not to be

left undone" Lk 11:42. True, but the command to tithe is not a judicial law. "Consequently, Jesus condemned even the setting aside of the death penalty for incorrigible children," Mt 15:4,5. This is the one place that Bahnsen has a good case. Greg is arguing here that Jesus is upholding the penalty aspect of this law. Maybe, maybe not. This would be a passage which needs good debate before we can be completely settled on it. "Paul appeals to the extra-Decalogical prohibition aga. incest," 1 Cor. 5:1. True, incest is prohibited outside the Ten Commandments but that is not a judicial law. A judicial law requires penal sanctions and such is not mentioned in 1 Cor 5. "The case law aga. homosexuality is upheld in the NT," 1 Cor 9:9; 1 Tm 5:18. True, but not a judicial law. "James applied the judicial law about prompt payment of one's employee," Js 5:4. No penal sanction is mentioned in this text. Now this is not what is usually meant by "judicial law." This is not part of the penal sanctions or governmental system of Israel, which is usually what is meant by "judicial law." Bahnsen is equivocating on these words and it looks like he has a stronger argument than he does. "Important NT injunction about avenging one's self, about going to an offended brother, caring for one's enemies are all taken from the judicial laws of the OT." These laws are not judicial laws according to the WCF: "God gave to them asundry laws as a body politic." These are not body politic laws, these are "neighborliness laws" - moral laws. "You see the NT sites the judicial laws of the OT too often without apology or disclaimer to accept at face value the bald claim by theonomic critics that these laws have been abolished by the work of Jesus Christ or the coming of the Holy Spirit." But the NT doesn't show that these citations are judicial laws or at least what we think are judicial laws. "The system of gov't, the system of penalties as being quoted over and over again in the NT". They are not. Does Bahnsen understand the penal codes as well as he claims? On p.251, "The reason why the penal code is not adapted in its application in the same way the ceremonial law is adapted, should be initially obvious. The penal code is not ceremonially redemptive in nature." Is Bahnsen correct with the assessment of the non-redemptive nature of the penal code? The fact of the matter is, is that our redemption is in explicitly in terms of X coming under the penal sanctions of the law. The penal sanctions deal with the penalties for sin (and so do the ceremonial laws - thus there is an obvious connection between putting an animal to death for sin and putting a person to death for sin). Obviously, the death of X on the cross for sin is an incident of capital punishment that is connected to both the penal and ceremonial laws. This doesn't prove that the penal laws are done away along with the ceremonial laws but it indicates that there is a dimension here that Greg doesn't seem to grasp. One could argue that the penal code is adapted in its application because of its relationship to the ceremonial law. Prima facia, this is not obviously wrong. More needs to be studied in this area. Greg has not come to a good understanding of the nature of the penal codes and how they relate to the theology of the death of Christ and to the killing of animals in the ceremonial law. This is another difficulty in how his system is set up. (See Jordan's "Death Penalty and the Mosaic Law"). There is a pervasive three fold dimension of the law in the

OT. In the tabernacle, there are three things in it: the rod of gov't, the tables of the law, and the sacramental dimension. You will see that the sacramental, governmental, and the moral dimensions are repeated many times in the OT. It is pervasive. It reflects the Tri-unity of God. The Second person being associated with the word, the Third person with the sacrament, and the First person with the government. When Bahnsen says that there are only two dimensions of the law: the ceremonial/restorative and the moral, he errs in his view of the law.

H. (8) The Nations Outside Israel

Were the nations outside Israel required to submit to the Mosaic Law? It has already been stated that the nations could not submit to the Mosaic Laws in exactly the same way as Israel because they would have had to study it, understand it and know exactly what applied and what didn't.

(1) Bahnsen's view

Bahnsen says that the distinction between what would have applied and what didn't is easy to separate. Anything that is ceremonial/restorative doesn't apply and everything else does. He also argues that they should have kept the penalties of the law-the judicial law. Throughout Bahnsen's writings, he only adduces evidence that the nations are under the moral law and under the judgment of God.

(2) Need for evidence that the nations were supposed to keep the judicial laws and the penal sanctions.

There is no evidence that the Gentile nations were obligated to observe the judicial laws of God. God says, "I am going to judge the Assyrians because they are cruel." God is going to judge them. God judges the Canaanites because they were Sodomites. God judged them. What we need is a verse that says, "I am angry with Assyrians because they did not put homosexuals to death;" "I am angry with the Canaanites because they did not require five fold restitution for the ox." Do you see the difference. We need evidence that the nations outside Israel were to keep the same penalties as Israel. It is clear that the nations were to obey the moral laws - behave the same way as Israel - but there is no evidence that they should keep the penal sanctions.

(3) Were the Nations outside Israel to keep the judicial laws? Yes and no. Let's look at Deut. 4:6,7. Bahnsen loves to quote this in favor of theonomy and Poythress quotes it aga. theonomy. Bahnsen implies that this passage says that the nations are going to want to imitate the Mosaic law because Israel is a model for all the nations. Poythress implies that the emphasis is on Israel as the nation under God's Law. Were the other nation's to build a tabernacle when they converted? No. Are they called to be nations of priests? No. Are they given all these privileges? No. Romans says, "What difference does it make to be a Jew? Much in every way. To them was committed the oracles of God; to them were the fathers...." This wasn't true of the Ninevites when they converted after Jonah preached. They were God fearing Gentiles and they didn't have a God as near to them as Israel did, speaking geographically.

(4) The purpose of Israel among the nations implies stricter rules for Israel.

The ordinary Israelite was not as "near" to God as the Aaronic priests. The converted Gentile was not as "near" to God as the Israelite. This is part of that sacred geography in the OT. Here, you see the continuity and discontinuity. Should the nations have studied the law and emulated its wisdom and changed their laws once they understood what God's laws implied; once they saw what the law required of them and they were bound to do it because it was clear to them; because God made it clear and the Holy Spirit worked with their mind? Sure! But could they have done exactly what the law said? No, not in its totality. You can build tabernacles all day long but unless fire comes out of heaven to start the fire on the altar, its just an empty place. And that is going to happen only once because there is only one sanctuary on the earth until the NC when things change. Now, where ever two or three are gathered, the Shekinah glory is in their midst. We must understand the purpose of Israel in the ancient world and what they were called to do. The issue here is hermeneutics: how do we approach the OT? One thing that is hardly addressed in theonomic literature is the other covenants of the OT. Not much is said about the Davidic covenant; Remnant, Restoration, or Noahic covenants. In the Noahic Covenant, we have an establishment of human government where the sword is given for the judgment of sinners in a judicial sense and that is given to all the nations that come from Noah. And in Gen. 10, we have all those nations. In Gen 11, we have the fall of the Noahic Covenant at Babel. And it is in the context of the Tower of Babel that Israel is called. The call of Israel is never separated from the Babelic context. You cannot read the history of Israel in the OT as if it were isolated and that everybody that was converted was to become a part of Israel. It was never intended that way. Israel is one special nation among the scattered nations whose task was to minister to the 70 nations. They were to bring many to the worship of Yahweh as Gentile God fearers. This is why the law repeatedly mentions the "stranger," the "uncircumcised," "the Gentile God fearer" who wants to worship God. Can the Gentile God fearer offer a sacrifice to God? Yes, Num. 15. He can come to the Feast of Tabernacles. But he can't come to Passover unless he is circumcised and becomes a Jew! He can come to the other feasts. The Psalms mention the Gentile God fearers praising God, Ps 115:9-11. Throughout the OT, they are showing up all around the outside of Israel: the Queen of Sheba; Obadiah; Urriah, the Hitite; and many others. There is a difference between Israel and the nations. Part of that difference is how near they are to God. One of the principles of the OT is that the nearer you are to God, the stricter the rules are (i.e. James 3:1). This is the reason why Moses didn't go into the promised land: he hit a rock when he was told not to. He was closer to God than any other. Meanwhile, all these other people who have committed adultery and other sins (and repented of it), they get to go into the promised land. Moses got to go up to the top of Mt. Sinai - he was nearer to God so the rules were more strict for him. If you are a high priest, you have to marry a girl in her viginity. If she dies, you can't mourn. If you are an ordinary priest, you marry a virgin or widow but not a divorcee. If she dies, you can mourn for her but not for your relatives. If a Levite, you can mourn for relatives but not for other people. You

are under these rules. Is it possible, in terms of this "nearer-stricter" dimension, that because Israel was called as priests to the other nations, the punishments for them were stricter than for other nations? This is an option that we have to entertain. It may not make a whole lot of difference generally, but there may be some particulars that are important. For example, death penalty for Sabbath breaking which is the one penalty in the history of the Church that no one has ever maintained. Almost everyone believes in the death penalty for murder; almost no one believes in it for Sabbath breaking. In between these two are all the other laws requiring capital punishment: apostasy, adultery, etc. The Sabbath Law required you not to stoke up your hearth fire. God's hearth (altar) fire being stoked up. The nations probably wouldn't have bothered with this because the altar (hearth) fire wasn't in their midst so it wouldn't have applied to them. Worshipping and resting on the Sabbath day would not have that particular implication with it. We must consider the possibility that the laws were stricter for Israel because of their privileges. This has to do with the sacred geography of the OT that doesn't apply in the NT. The laws of sacred geography are removed in the NT and everyone is equally near. If you are in Christ, you are at the right hand of the Father. As an Israelite, if your daughter committed adultery and got married under false pretenses, she was to be put to death. But if a priest's daughter did the same thing, she was to be put to death and burned up. That is more severe because they were closer to God. So it is possible that some of these penalties have to do with nearness to God.

(a) What about 4-5 fold restitution?

Were the nations outside Israel to adopt exactly the same penalties as Israel? Probably in most cases they would have but not in every case. Deut. 22:1 - Should a nation require 4-5 fold restitution for theft or just double restitution (see v.4)? Why 4 fold for the sheep and 5 fold for the ox? There is nothing in this passage that says why. We have to figure out why. Both the sheep and the ox are involved in the sacrificial system and therefore, God owns them. Would a nation outside of Israel have the same 4-5 fold restitution for the sheep and ox despite not having the same sacrificial system as Israel? Probably not. There are some things that are not hard to imagine another nation imitating.

(b) What about death penalties for religious crimes?

We can break death penalties down into four groups: 1) *violence-murder* (Num 35 - you will never take a ransom for a murderer); 2) *sexual crimes* - a little less obvious. For the most part, the church has maintained the death penalty for sexual crimes, (Hodge, Dabney held this); 3) *religious crimes* are much more of a problem. Seldom has there been an insistence of putting people to death for apostasy, etc. This looks more like a law that is associated with the special privilege in position (nearness) to God that Israel had in the OT. As we look into the NT, maybe these kind of things are handled by the church - possessing the keys to the kingdom - and not handled by the state; 4) *Sabbath breaking* - which the church has almost never instituted. Therefore, the reasoning process in applying these things are a lot more complex than theonomy gives us.

Theonomy says, "If its not a ceremonial law, its still in force. Judicial laws are no different than moral laws in this regard."

I. (9) How well does Bahnsen Know the Law?

The numerous errors that run throughout the book suggests that Bahnsen doesn't know the content of the Law as well as he should. This calls into question how well he has assessed it.

(a) Was rape punished by death?

Repeatedly, he says that in the Mosaic Law rape was punished by death. Fact is, that in the Mosaic Law rape is not punished by death. This is a difficult thing for us, in a modern world, to understand emotionally. In Deut. 22:28ff. the man is required to marry the woman he rapes. Other passages say that if the father doesn't want the man as a son-in-law, then the father takes the money and sends the man away. But that is not the death penalty for rape. You could probably argue for the death penalty for rape and say that Deut. 22:28 is more like date rape (taking in the modern view of rape: a man breaks into a house and rapes a woman sleeping in her bed), but the fact is the Bible doesn't say death penalty for rape. When Bahnsen repeatedly refers to this in his book, he is wrong. The exception is in the rape of a married woman which is adultery.

(b) Do we need Leviticus to know bestiality is wrong?

Theonomists repeatedly say, "If you don't have a presumption of continuity of the Mosaic law, what are you going to do about bestiality? The NT doesn't say anything about bestiality. The only place it is mentioned is in the Mosaic Law. So how are you going to say it is wrong?" When a theonomist argues this way, it shows a failure to understand Gen.2:18-25. You don't need the Mosaic law to exclude bestiality. This passage establishes that bestiality is not appropriate. The beasts are declared as unsuitable helpers. It excludes bestiality. As a Creation ordinance, Gen.2 excludes incest, homosexuality, polygamy, adultery. Thus to argue that there is nothing in the Bible about bestiality except for in the Mosaic law is wrong.

(c) Are there no special religious crimes?

On p. 172 (NOS), "The very attempt to create a special category of special "religious" crimes is predicated on a false antithesis. All sins are religious in character, including murder and rape as crimes aga. the image of God. All of life is religious...." Bahnsen fails to see that the OT is very clear about areas in the sanctuary that you don't trespass, that there are special days, etc. He is just trying to side step the issue here. It is obvious that there is a special religious category of sins. To say that all of life is religious doesn't say anything. We all know that there is a difference between talking to some one else and talking to God. We can say that all of life is worship but we know that there is a big difference between what we do 6 days a week and on the 7th when we actually intentionally gather together to worship. There is a clear distinction between the time of corporate worship and other times; between the space where the people gather to worship and other space. In the OT, God sets up that time and space. If you encroach into certain spaces of the temple, you were put to death. This

cannot carry over into the NC. Exodus 19, "If anyone touches the mountain he will be put to death." Does that law still exist today? What about the laws concerning the Ark? These are obviously religious crimes that are in a distinct category. Wisdom tells us that Sabbath breaking, idolatry, apostasy are different from other laws. The first table of the law require duties that are obviously different than the duties to our neighbors required by the second table. So Bahnsen is trying very hard to use rhetoric to blur this distinction.

(d) Is the death penalty mandatory for crimes other than murder?

Most expositors throughout church history believed that except for murder the death penalty was the "maximum" penalty. In Numbers 35:31, ransom cannot be accepted for a murderer. By implication, you can accept ransom for other capital offenses. You can soften or mediate other capital offenses. Proof of this is found in Matt. 1:19, Joseph was a just man and desired to put Mary away secretly. Deut. 22 requires that a woman that is betrothed and plays the harlot must be put to death. Does the Bible say, "Joseph being soft hearted and disobedient to the word of God decided not to put Mary to death but divorce her..." No, it says that Joseph was a just man. This is said to be a just action. Joseph at this point doesn't believe she has gotten pregnant by the Holy Spirit. God has to tell him later on (see v.20,21). What ever reason Joseph had in his mind, the Bible tells us he was just and righteous to ask for a lesser penalty. Bahnsen in NOS admits that this verse is in the Bible, but he rejects any inference from it. This is a major flaw in understanding the system of laws in the OT. Understanding that only murder absolutely required the death penalty, makes the Theocratic position that much more attractive.

VI. CONCLUDING OBSERVATIONS

1. Should We Presuppose Continuity or Discontinuity?

Do we approach this matter by saying, "Unless its repeated in the NT, its gone" or "If its not canceled in the NT, it is still in force"? This is a naive and unhelpful way to ask the question. There is obviously continuity and discontinuity - both - in the NT in different areas. There is a radical discontinuity in the Creation Order of time and space - sacred geography and sacred time. This would affect how we understand certain aspects of the Sabbath Day and where people were to gather for worship. There is a radical discontinuity in the person and the structure of persons between the two testaments. In the NT, we don't have a genealogical structure; we are spiritual not fleshly; we are in the Second Adam not the First. It is better to refer to the **applicability** of the OT. **The entire OT is applicable.** It must be applied because it is the Word of God. We must seek proper applications of everything in the OT. If we start with that as a presupposition, then we have everything we want. Now we have to go into the details. We can avoid this esoteric discussion of continuity and discontinuity. **We should presuppose applicability.**

2. What Can We Clearly Say About the Penalties of the Law?

What can we say for sure about the penal sanctions of the law? - the death penalty for about 12 things in the law? 1) encroaching on sacred space - First Command; 2) worshipping strange god's in public, apostasy; 3) open high handed blasphemy, cursing God; 4) specific religious Sabbath breaking; 5) assaulting parents and contumacy aga. the courts; 6) murder, manslaughter; 7) adultery, concealed unchastity, rape of married woman, homosexual and bestiality acts, prostitution, cross-generational incest; 8) kidnapping; 9) perjury

(a) They show God's attitude. They are serious. We should take them seriously too.

(b) They are the rule of church discipline. Someone does these things in the Church, we have to deal with them. We can't over look it. This is clear in the NT that the Church carries on the punishment (excommunication) of all of these sins.

(c) Since all Scripture is profitable for application in all of life (even to the civil gov't), we start with the assumption that these penalties apply somehow to social life. There are degrees of possible application:

(1) We can criminalize homosexual acts - We can give fines, jail terms, public floggings, etc.

(2) We can prescribe capital punishment for homosexual acts - How shall we put them to death? Is the following a true statement? "We haven't carried out the complete law unless we have stoning for homosexual acts."

(3) We can prescribe death by communal stoning for homosexual acts - Do we have to have stoning to implement capital punishment for homosexual acts? At what point do we draw the line for exact applicability from the OC to the NC? Do we have to have stoning and still make it a capital offense?

(d) These would be "small community laws" - In the OT, this is small community law. It was the elders of each city (the city court system) that applied these laws. There was not some gigantic central state bureaucracy looking over their shoulder.

(e) Except for murder, the penalties were flexibly applied - The small community context allows for more flexibility in the application of the law as well. As we study the law, we cannot rip it out of its context. This is where most of the errors have been produced. For example, what would an Israelite court have done if two men came to them and said, "For the past two years we have been engaging in homosexual acts. We have come to realize that this is sin, we have repented and we throw ourselves on the mercy of the court"? What would the judges of Israel have done? According to Bahnsen's development so far, he would put them to death. Would a response, "Go and sin no more" be an appropriate response due to the context of the passage? Yes, possibly. There is no place in Scripture that necessitates maximum application of the penalty. The Bible distinguishes between sins of the high hand and inadvertancy, sins that are repented of and sins that are not repented of. Is "making a public example of an offender" required (see Mt.1:19).

(f) Four rough categories of capital crimes:

(1) *Murder* - little debate about death penalty

(2) *Other social crimes and sexual crimes* - more debate, but many good reasons to have the death penalty as maximum penalty on the books. In the area of sexual crimes, it is more reasonable to bring over the whole of the OT sanctions. If you had the death penalty for adultery, you would have a whole lot more happy families. People would learn to get along with each other. Do you have to put your wife to death if she comes to you in tears and repents of her adultery? No. Only in the case of murder. This part of the law is apparently not recognized by Greg.

(3) *Religious crimes* - many good reasons to doubt if these should carry the death penalty today. Christ has given more power to the church in the NT than what it had in the OT. The sword of the Spirit is given to the Church and God's honor is tied to the Church not to a nation. If the church would excommunicate religious offenders, these types of sins would lessen in society. OT kingdom established by sword and fire (from the altar), and maintained that way. NT kingdom established by proclamation and charity, and maintained that way.

You will find in the book of Acts, all these parallels to Joshua and that Jerusalem is the New Jericho. It is taken by the Sword of the Spirit - the proclamation of the Word. Religious crimes are no longer handled by the state; they are the job of the Church. It has always been unproductive in history for the state to carry out this law for the Church. For 2000 years, the Spirit hasn't moved the Church towards the burning up of cities that have gone bad.

(4) *Sabbath breaking* - virtually nobody in the history of the Church has advocated the death penalty for this.

(End of tape series)