

law has steadily moved away from God to the people (or the state) as its source, although the historic power and vitality of the West has been in Biblical faith and law.

Third, in any society, any change of law is an explicit or implicit change of religion. Nothing more clearly reveals, in fact, the religious change in a society than a legal revolution. When the legal foundations shift from Biblical law to humanism, it means that the society now draws its vitality and power from humanism, not from Christian theism.

Fourth, no disestablishment of religion as such is possible in any society. A church can be disestablished, and a particular religion can be supplanted by another, but the change is simply to another religion. Since the foundations of law are inescapably religious, no society exists without a religious foundation or without a law-system which codifies the morality of its religion.

Fifth, there can be no tolerance in a law-system for another religion. Toleration is a device used to introduce a new law-system as a prelude to a new intolerance. Legal positivism, a humanistic faith, has savage in its hostility to the Biblical law-system and has claimed to be an "open" system. But Cohen, by no means a Christian, has aptly described the logical positives as "nihilists" and their faith as "nihilistic absolutism" ⁹ Every law-system must maintain its existence by hostility to every other law-system and to alien religious foundations, or else it commits suicide.

In analyzing now the nature of Biblical law, it is important to note *first* that, for the Bible, law is revelation. The Hebrew word for law is *torah*, which means instruction, authoritative direction. ¹⁰ The Biblical concept of the law is broader than the legal codes of the Mosaic formulation. It applies to the divine word and instruction in its totality:

... the earlier prophets also use the *torah* for the divine word proclaimed through them (Isa. viii. 16, cf. also v. 20; Isa. xxx. 9 f.; perhaps also Isa. i. 10). Besides this, certain passages in the earlier prophets use

the word *torah* also for the commandment of Yahweh which was written down: thus Hos. viii. 12. Moreover there are clearly examples not only of rituals matters, but also of ethics.

Hence it follows that at any rate in this period *torah* had the meaning of a divine instruction, whether it had been written down long ago as a law and was preserved and pronounced by a priest, or whether priest was delivering it at that time (Lam. ii. 9; Ezek. vii. 26; Mal. ii. 4ff.), or the prophet is commissioned by God to pronounce it for a definite situation (so perhaps Isa. xxx. 9).

Thus what is objectively essential in *torah* is not the form but the divine authority. ¹¹

The law is the revelation of God and His righteousness. There is no ground in Scripture for despising the law. Neither can the *law* be relegated to the Old Testament and *grace* to the New:

The time-honored distinction between the OT as a book of law and the NT as a book of divine grace is without grounds or justification. Divine grace and mercy are the presupposition of law in the OT; and the grace and love of God displayed in the NT events issue in the legal obligations of the New Covenant. Furthermore, the OT contains evidence of a long history of legal developments which must be assessed before the place of the law is adequately understood. Paul's polemics against the law in Galatians and Romans are directed against an understanding of law which is by no means characteristic of the OT as a whole. ¹²

There is no contradiction between law and grace. The question in James's Epistle is faith and works, not faith and law. ¹³ Judaism had made *law* the *mediator* between God and man, and between God and the world. It was this view of the law, not the law itself, which Jesus attacked. As Himself the Mediator, Jesus rejected the law as mediator in order to re-establish the law in its God-appointed role as law, the way of holiness. He established the law by dispensing forgiveness as the law-giver in full support of the law as the convicting word which makes men sinners. ¹⁴ The law was rejected only as the mediator and as source of justification. ¹⁵ Jesus fully recognized the law, an obeyed the law. It was only the ab-

surd interpretations of the law He rejected. Moreover,

We are not entitled to gather from the teaching of Jesus in the Gospels that he made any formal distinction between the Law of Moses and the Law of God. His mission being not to destroy but to fulfill the Law and the Prophets (Mt. 5:17), so far from saying anything in disparagement of the Law of Moses or from encouraging His disciples to assume an attitude of independence with regard to it, He expressly recognized the authority of the Law of Moses as such, and of the Pharisees as its official interpreters (Mt. 23:1-3). ¹⁶

With the completion of Christ's work, the role of Pharisees as interpreters ended, but not the authority of the law. In the New Testament era, only apostolically received revelation was ground for any alteration in the law. The authority of the law remained unchanged:

St. Peter, e.g., required a special revelation before he would enter the house of the uncircumcised Cornelius and admit the first Gentile convert into the Church by baptism (Act 10:1-48) -- a step which did not fail to arouse opposition on the part of those who "were of circumcision" (cf. 11:1-18). ¹⁷

The *second* characteristic of Biblical law is that it is a *treaty* or *covenant*. Kline has shown that the form of the giving of the law, the language of the text, the historical prologue, the requirement of exclusive commitment to the suzerain, God, the pronouncement of imprecations and benedictions, and much more, all point to the fact that the law is a treaty established by God with His people. Indeed, "the revelation committed to the two tables was rather a suzerainty treaty or covenant than a legal code." ¹⁸ The full covenant summary, the Ten Commandments, was inscribed on each of the two tables of stone, one table or copy of the treaty for each party in the treaty, God and Israel. ¹⁹

The two stone tables are not, therefore, to be likened to a stele containing one of the half-dozen or so known legal codes earlier than or roughly contempo-

rary with Moses as though God had engraved on these tables a corpus of law. The revelation they contain is nothing less than an epitome of the covenant granted by Yahweh, the sovereign Lord of heaven and earth, to his elect and redeemed servant, Israel.

Not law, but covenant. That must be affirmed when we are seeking a category comprehensive enough to do justice to this revelation in its totality. At the same time, the prominence of the stipulations, reflected in the fact that "the ten words" are the element used as *pars pro toto*, signalizes the centrality of the law in this type of covenant. There is probably no clearer direction afforded the biblical theologian for defining with biblical emphasis the type of covenant God adopted to formalize his relationship to his people than that given in the covenant he gave Israel to perform, even "the ten commandments." Such a covenant is a declaration of God's lordship, consecrating a people to himself in a sovereignly dictated order of life. ²⁰

This latter phrase needs re-emphasis: the covenant is "a sovereignty dictated order of life." God as the sovereign Lord and Creator gives His law to man as an act of sovereign grace. It is an act of election, of electing grace (Duet. 7:7 f.; 8:18-20; 9:4-6, ect.).

The God to whom the earth belongs will have Israel for His own property, Ex. xix. 5. It is only on the ground of the gracious election and guidance of God that the divine commands to the people are given, and therefore the Decalogue, Ex. xx. 2, places at its forefront the fact of election. ²¹

In the law, *the total life of man* is ordered: "there is no primary distinction between *the inner and the outer life*; the holy calling of the people must be realized in both." ²²

The *third* characteristic of the Biblical law or covenant is that it constitutes a plan for *dominion under God*. God called Adam to exercise dominion in terms of God's revelation, God's law (Gen. 1:26 ff.; 2:15-17). This same calling, after the fall, was required of the godly line, and in Noah it was formally renewed (Gen. 9:1-17). It was again renewed with Abraham, with Jacob, with Israel in the person of Moses, with Joshua, David, Solomon (whose Proverbs echo the law), with Hezekiah and Josiah, and finally with Jesus

The Law as Revelation and Treaty

Law is in every culture religious in origin. Because law governs man and society, because it establishes and declares the meaning of justice and righteousness, law is inescapably religious, in that it establishes in practical fashion the ultimate concerns of a culture. Accordingly, a fundamental and necessary premise in any and every study of law must be, first, a recognition of this religious nature of law.

Second, its must be recognized that in any culture *the source of law is the god of that society*. If law has its source in man's reason, then reason is the god of that society. If the source is an oligarchy, or in a court, senate, or ruler, then that source is the god of that system. Thus, in Greek culture law was essentially a religiously humanistic concept.

In contrast to every law derived from revelation, *nomos* for the Greeks originated in the mind (*nous*). So the genuine *nomos* is no mere obligatory law, but something in which an entity valid in itself is discovered and appropriated.... It is "the order which exists (from time immemorial), is valid and is put into operation." 7

Because for the Greeks mind was one being with the ultimate order of things, man's mind was thus able to discover ultimate law (*nomos*) out of its own resources, by penetrating through the maze of accident and matter to the fundamental ideas of being. As a result, Greek culture became both humanistic, because man's mind was one with ultimacy, and also neoplatonic, ascetic, and hostile to the world of matter, because *mind*, to be truly itself, had to separate itself from non-mind.

Modern humanism, the religion of the state, locates the law in the state and thus makes the state, of the people as they find expression in the state, the god of the system. As Mao Tse-Tung has said, "Our God is none other than the masses of the Chinese people." 8 In the Western culture,

law is the need and privilege of Christian society. It is the *only* means whereby man can fulfil his creation mandate of exercising dominion under God. Apart from revealed law, man cannot claim to be under God but only in rebellion against God.

Notes

7. Hermann Kleinknecht and W. Gutbrod, *Law* (London: Adam and Charles Black, 1962), p. 21.
8. Mao Tse-Tung, *The Foolish Old Man Who Removed the Mountains* (Peking: Foreign Languages Press, 1966), p. 3.
9. Morris Raphael Cohen, *Reason and Law* (New York: Collier Books, 1961), p. 84f.
10. Ernest F. Kevan, *The Moral Law* (Jenkintown, Penna.: Sovereign Grace Publishers, 1963) p. 5f. S. R. Driver, "Law (In Old Testament)," in James Hastings, ed., *A Dictionary of the Bible*, vol. III (New York: Charles Scribner's Sons, 1919), p. 64.
11. Kleinknecht and Gutbrod, *Law*, p. 44.
12. W.J. Harrelson, "Law in the OT," in *The Interpreter's Dictionary of the Bible*, (New York: Abidgdon Press, 1962), III, p. 77.
13. Kleinknecht and Gutbrod, *Law*, p. 125.
14. *Ibid.*, pp. 74, 81-91.
15. *Ibid.*, p. 95.
16. Hugh H. Currie, "Law of God," in James Hastings, ed., *A Dictionary of Christ and the Gospels* (New York: Charles Scribner's Sons, 1908), II, p. 15.
17. Olaf Moe, "Law," in James Hastings, ed., *Dictionary of the Apostolic Church* (New York: Charles Scribner's Sons, 1919), I, p. 685.
18. Meredith G. Kline, *Treaty of the Great King, The Covenant Structure of Deuteronomy: Studies and Commentary* (Grand Rapids: William B. Eerdmans, 1963), p. 16. See also J.A. Thompson: *The Ancient Near Eastern Treaties and the Old Testament* (London: The Tyndale Press, 1964).
19. Kline, *op. cut.*, p. 19.
20. *Ibid.*, p. 17.
21. Gustave Friedrich Oehler, *Theology of the Old Testament* (Grand Rapids: Zondervan, 1883), p. 177.
22. *Ibid.*, p. 182.
23. Kline, *Treaty of the Great King*, p. 41.
24. John Calvin, *Institutes of the Christian Religion*, bk. IV, chap. XX, para. xiv. In the John Allen translation (Philadelphia: Presbyterian Board of Christian Education, 1936), II, p. 787f.
25. See H. de Jongste and J.M. van Krimpen, *The Bible and the Life of the Christian*, for similar opinions (Philadelphia Presbyterian and Reformed Publishing Co., 1968), p. 66ff.
26. *Ibid* p. 73.
27. *Ibid.*, p. 75.
28. The very term "nature" is mythical. See R.J. Rushdoony, "The Myth of Nature," in *The Mythology of Science* (Nutley, N.J.: The Craig Press, 1967), pp. 96-98.

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and is governed by the common laws of nations. The dangerous and seditious nature of this opinion I leave to the examination of others; it will be sufficient for me to have evinced it to be false and foolish. 24

Such ideas, common in Calvinistic and Lutheran circles, and in virtually all churches, are still heretical nonsense. 25 Calvin favored "the common law of nations." But the common law of nations in his day was Biblical law, although extensively denatured by Roman law. And this "common law of nations" was increasingly evidencing a new religion, humanism. Calvin wanted the establishment of the Christian religion: he could not have it, nor could it last long in Geneva, without Biblical law.

Two Reformed scholars, in writing of the state, declare, "It is to be God's servant, for our welfare. It must exercise justice, and it has the power of the sword." 26 Yet these men follow Calvin in rejecting Biblical law for "the common law of nations." But can the state be God's servant and by-pass God's law? And if the state "must exercise justice," how is justice defined, by the nations, or by God? There are as many ideas of justice as there are religions.

The question then is, what law for the state? Shall it be *positive law, the law of nations, a relativistic law?* De Jongste and van Krimpen, after calling for "justice" in state, declare, "A static legislation valid for all times is an impossibility." 27 Indeed! Then what about the commandment, Biblical legislation, if you please, "Thou shalt not kill," and "Thou shalt not steal"? Are they not intended to be valid for all time and in every civil order? By abandoning Biblical law, these Protestants theologians end up in moral and legal relativism.

Roman Catholic scholars offer *natural law*. The origins of this concept are in Roman law and religion. For the Bible, there is no law in nature is fallen and cannot be normative. Moreover, the source of law is not nature but God. There is no law *in* nature but a law *over* nature, God's law. 28

Neither positive law nor natural law can reflect more than the sin and apostasy of man: *revealed*

Christ. The sacrament of the Lord's Supper is the renewal of the covenant: "this is my blood of the new testament" (or covenant), so that *the sacrament itself re-establishes the law*, this time with a new elect group (Matt. 26:28; Mark 14:24; Luke 22:20; 1 Cor. 11:25). *The people of the law* are now the people of Christ, the believers redeemed by His atoning blood and called by His sovereign election. Kline, in analyzing Hebrews 9:16, 17, in relation to the covenant administration, observes:

...the picture suggested would be that of Christ's children (cf. 2:13) inheriting his universal dominion as their eternal portion (note 9:15b; cf. also 1:14; 2:5 ff.; 6:17; 11:7 ff.). And such is the wonder of the messianic Mediator-Testator that the royal inheritance of his sons, which becomes of force only through his death, is nevertheless one of co-regency with the living Testator! For (to follow the typological direction provided by Heb. 9:16, 17 according to the present interpretation) Jesus is both dying Moses and succeeding Joshua. Not merely after a figure but in truth a royal Mediator *redivivus*, he secures the divine dynasty by succeeding himself in resurrection power and ascension glory. 23

The purpose of God in requiring Adam to exercise dominion over the earth remain His continuing covenant word: man, created in God's image and commanded to subdue the earth and exercise dominion over it in God's name, is *recalled to this task and privilege* by his redemption and regeneration.

The law is therefore the law for Christian man and Christian society. Nothing is more deadly or more derelict that the notion that the Christian is at liberty with respect to the kind of law he can have. Calvin, whose classical humanism gained ascendancy at this point said of the laws of states of civil governments:

I will briefly remark, however, by the way, what laws it (the state) may piously use before God, and be rightly governed by among man. And even this I would have preferred passing over in silence, if I did not know that it is a point on which many persons run into dangerous errors. For some deny that a state is well constituted, which neglects the polity of Moses,