

In part 1, I attempted to show that the threefold division justifies the appeal to the natural/moral law of God on account of the latter's transcendence over temporal covenants, being as they are rooted in Creation and embedded in the image of God. Positive laws are only binding insofar as they are made manifest to a specific people in time and space. We do not need to feel that we are compromising the New Covenant by making reference to the Ten Commandments as they did not find their origination at Mount Sinai.

Natural and Positive laws contrasted

Returning to Tom Schreiner (*40 Questions About Christians and Biblical Law*), he correctly notes that:

"In and of itself, circumcision is a matter of indifference" (p. 90).

Again, I am in complete agreement here. Circumcision had significance when it was (as a positive law) connected to a specific covenant. Prior to the establishment of that covenant and after its expiration, and even for those alive during the Old Covenant but not a part of it (Syrians, Philistines, Babylonians, etc.), circumcision was indifferent. Indeed, this is the same language used by Sam Renihan in a lecture on natural and positive law:

"Positive laws are indifferent things prescribed or proscribed for a particular time, place and people."

To insist on the morality of circumcision at this point is irrelevant. We are not arguing that the abrogation of the command to circumcise expired because it was amoral or immoral. It was abrogated because the covenant to which it was connected had expired. Contrarily, the natural/moral law, though also embedded in the Mosaic Covenant (differing "from the natural law in form though identical to it in substance"[1]), preceded, predates and transcends the positive laws given to ancient Israel, such as circumcision. The natural/moral law was not established "for a particular time, place and people" but rather "doth forever bind all, as well justified persons as others, to the obedience thereof, and that not only in regard of the matter contained in it, but also in respect of the authority of God the Creator, who gave it" (2LCF 19.5).

This position is consistent with 1 Cor. 7:19, a verse that Schreiner lists (but doesn't quote) when he argues for the indifference of circumcision. Note carefully what Paul says, however: "Circumcision is nothing and uncircumcision is nothing, but keeping the commandments of God." Wasn't circumcision a commandment of God? It was, for those under the Old Covenant. How then can Paul speak of keeping the commandments of God and yet simultaneously downgrade circumcision to "nothing"? Obviously, at the very least, Paul recognizes both the cessation of Old Covenant law and a distinction between two different types of commandments.

The Apostle Paul makes this distinction in Romans 2 as well. Using again the example of circumcision, note how Paul clearly treats the positive law of circumcision (given to Israel) as inferior to natural law (given to all men). Read Romans 2:14 through the end of the chapter with particular attention to verses 21-27:

"You who preach that a man should not steal, do you steal? You who say, 'Do not commit adultery,' do you commit adultery? You who abhor idols, do you rob temples? You who make your boast in the law, do you dishonor God through breaking the law? For 'the name of God is blasphemed among the Gentiles because of you,' as it is written.

For circumcision is indeed profitable if you keep the law; but if you are a breaker of the law, your circumcision has become uncircumcision. Therefore, if an uncircumcised man keeps the righteous requirements of the law, will not his uncircumcision be counted as circumcision? And will not the physically uncircumcised, if he fulfills the law, judge you who, even with your written code and circumcision, are a transgressor of the law? [2]

Clearly, Paul makes a distinction between examples of ever-binding laws summarized in the Decalogue and a particular positive law instituted under the now "obsolete" (Heb. 8:13) Old Covenant. We find other examples where God's positive law is repudiated as long as Israel were to persist in rebellion to God's moral law. If Israel were to continue in perpetual disobedience to the Decalogue, keeping various civil and ceremonial precepts would hardly be seen as a move in the right direction. Ross comments on Amos 5:21

"...where the LORD says, 'I hate, I despise your feasts, and I take no delight in your solemn assemblies', and in Amos 6:6 where he says, 'I desire mercy.'

...Those statements...reveal a 'deliberate priority and ranking' in that there is certain obedience (mercy) the LORD consistently desires and can never hate, while there is other obedience (sacrifice) he does not always desire and may sometimes hate—whenever 'Israel's altars are not a means of expiating sin, but a cause of sin.' **[3]** As the proverb says, 'The sacrifice of the wicked is an abomination to the LORD' (Prov. 15:8).

Nowhere does Scripture suggest that God ever hates obedience to any part of the Decalogue. **[4]**

...But the Israel they know is more concerned about sacrifice than obedience, to the extent that the prophets proclaim God's hatred of Israel's obedience to some of his laws." **[5]**

Like circumcision, various Old Covenant feasts were instituted by God Himself (positive laws) but in the context of Israel's disregard for the Decalogue, the keeping of feasts amounted to mere hypocritical outward appearances of piety. Remember one of Jesus' many rebukes of the scribes and Pharisees:

"Woe to you, scribes and Pharisees, hypocrites! For you pay tithe of mint and anise and cummin, and have neglected the weightier matters of the law: justice and mercy and faith. These you ought to have done, without leaving the others undone" (Mat. 23:23).

For those of us outside of the Mosaic Covenant (that is, everyone reading this), think of a violent criminal guilty of breaking federal law prohibiting rape but bragging to his neighbors about how he was diligent to abide by county laws prohibiting speeding.

Schreiner continues:

"Indeed, the observance of days and festivals is a thing of the past (Rom. 14:5-6; Gal. 4:10; Col. 2:16-17)" (p. 90).

Yes, as they are positive laws established in the Mosaic Covenant. But if this is to be an

argument against the Sabbath *principle* (not Saturday worship), then it is necessary to prove that the work/rest principle did not exist until God etched His Word into stone tablets at Sinai. But such is not the case. The work/rest principle is found in the very first chapter of the Bible, around 2.5 millennia before the Mosaic Covenant.

Recall that the Sabbath which Israel was to observe as stated in the fourth commandment was not arbitrary, nor was it founded upon a previous temporal and provisional positive law specific to the nation of Israel but upon Creation Week: “For in six days the Lord made the heavens and the earth, the sea, and all that is in them, and rested the seventh day. Therefore the Lord blessed the Sabbath day and hallowed it” (Ex. 20:11). So the *principle* of a Sabbath rest/worship predates the now expired Mosaic Covenant.

Schreiner continues:

“The food and purity regulations, which were required under the Mosaic covenant, also have passed away.... When Peter ceases to eat with Gentile believers in Antioch, presumably because they were not observing purity regulations, Paul rebukes him sharply (Gal. 2:11-14). We have no indication that he struggled with the idea that Peter might be right” (p. 91).

This is true. But is Schreiner actually under the impression that the threefold division is so flimsy and arbitrary that had Paul held to it he would have been on the fence about whether to permit Peter’s sinful extension of obsolete dietary laws into the New Covenant? It is unclear to me why such examples of abrogation should equate to a denial of both the threefold division and the perpetuity of the moral law.

By way of comparison, it may be helpful to note that theologians, who (like Schreiner) *deny* the threefold division, are thus forced to complicate the process of abrogation by carefully rejecting only those laws specifically rescinded in the New Testament. Perhaps if Paul was a theologian he would have had such a hypothetical struggle as Schreiner envisions of the confessionalists. But it is, in fact, theology’s failure to see a complete abrogation of the Old Covenant along with its denial of the threefold division which would have created such confusion. Of course we have no indication that Paul “struggled with the idea that Peter might be right” because Paul, like Protestants historically, clearly understood that no remnant or vestige of the Old Covenant law was to remain since Jesus Christ is the Mediator of a *new* and better covenant having “made the first obsolete” (Heb. 8:13). What has this

abrogation to do with an abiding moral law that finds its origination prior to the temporal Mosaic Covenant?

With the exception of some Seventh-Day Adventists, Messianic Jews and perhaps some radical fringe theonomists, I can think of no (orthodox) Christian who would disagree with Schreiner regarding the expiration of the dietary laws and purity regulations. But like his circumcision example, this does nothing to prove his case against the threefold division. Since he cannot provide an occasion where a Christian is rebuked for upholding the moral law as a rule of life, not much is accomplished in providing these examples of expired positive laws.

Next, Schreiner asserts that since “believers are not required to observe feasts, festivals, and special days of the Old Testament calendar...this includes *the Sabbath...*” (p. 91). Since Schreiner takes up the Sabbath question in a separate chapter, and my intention here was simply to interact with his remarks on the threefold division, I will only offer a brief comment and move on.

The Jews observed many various feast days and celebrations[6] which lost their significance with the expiration of the Old Covenant. This is particularly significant for those Jews—true Israel (Rom. 9:6)—who were actually members of both covenants (that is, elect Jews passing from the Old Covenant into the New during Christ’s earthly ministry). While Schreiner says that with regard to Romans 14:5, “Clearly, the Sabbath is included here”, it is at least possible that Paul had in view these various other Jewish days of significance and the potential inclination of some to hang on to these vestiges. In any case, we are not contending for a Judaized, Saturday Sabbath worship, but only for the perpetuity of the Sabbath *principle* established in Genesis chapter one. Surely, neither the Apostle Paul nor Tom Schreiner would take issue with the saints regularly gathering (Heb. 10:25) “on the first day of the week” (Acts 20:7).

Schreiner then addresses the reconstructionists who “declare that the civil law [of theocratic Israel] has not been abolished for believers” (p. 92). I will pass over most of this because I am in wholehearted agreement with Schreiner that reconstructionism fails to “detect sufficiently the differences between the old covenant and the new”. This observation is helpful, but as was demonstrated in a recent debate[7], the threefold division is crucial to exposing the erroneous presuppositions of theonomy. I believe that the most effective polemical tool in dismantling reconstructionism/theonomy is proper employment of the threefold division of the law. In fact, I would argue that *theonomy’s very existence depends*

upon a practical if not theoretical denial of the threefold division.[8] Schreiner would likely have a much more difficult time deconstructing reconstructionism in such a debate since he would not be able to arm himself with this historic doctrine.

It seems that the theonomist wants to insist that unless a law is specifically rescinded in the New Testament it continues to be binding upon all, while the New Covenant theologian wants to insist that all laws are abrogated unless they are reintroduced in the New Testament. But what both theonomy and NCT appear to have in common is a failure to distinguish between natural and positive law. I agree with Schreiner that the Mosaic law *in toto* is abrogated. But the moral law does not depend on perpetuating a certain component of Old Testament law. The perpetuity of the moral law is derived from an understanding that some laws predate and transcend the Mosaic Covenant and therefore do not depend on it.

Note that the moral law did not originate at Mount Sinai but at Creation, and so it is not confined to the formulation as recorded by Moses functioning as part of the temporal, provisional and conditional covenant made with ancient Israel. Again, the perpetuity of the moral law stems from its having origins in Genesis (not Exodus) and that its precepts are not bound by but rather transcend the Old Covenant made with the nation of Israel. Put another way, the *positive law* (prohibition given to Adam and Eve concerning the eating of the fruit) was in addition to the *natural law* already written on their hearts.[9]

“Due to man’s created constitution, this law is written on his heart (2LCF 4.2-3), though now obscured by sin (2LCF 6). Natural law is not acquired by tradition or formal instruction. This law was, however, promulgated (i.e., formally published) on Sinai, which differs from the natural law in form though identical to it in substance....

...The moral law is summarily comprehended in the Decalogue, not exhausted by it. Though the formal promulgation of the Decalogue had a unique redemptive-historical context and use [with regard to Israel’s continuing in the land], it is nothing other than the natural law incorporated into the Mosaic covenant in a new form. This is one of its uses in the Bible, though it does not exhaust its uses (e.g., Jer. 31:33).”[10]

Yet Schreiner insists that

“We have seen thus far that it is overly simplistic to say that the ceremonial and

civil law have passed away, while the moral law still retains validity” (p. 93). ...The mistake we make is trying to carve up neatly the law into moral and nonmoral categories” (p. 94).

Again, we see that Schreiner seems to want readers to envision a bunch of legalistic Pharisees sitting amongst Hebrew manuscripts, dividing up various precepts in the Pentateuch into convenient but unqualified categories. I think I have already shown that the doctrine of the perpetuity of the moral law stems from its pre-Mosaic constitution and not from arbitrary divisions within the Old Covenant.

It has been demonstrated by a number of theologians that the laws summarized in the Ten Commandments did not have their origination at Sinai. This is the “major assertion of paragraphs 1 and 2 [of the 2LCF]”[11], and some examples in Scripture are provided by Waldron:

“...A substantial identity exists between the Ten Commandments and the law of God written by creation in the heart of Adam and all his descendants.

...For the authority of the [natural/moral] law between the Fall and the Mosaic covenant the following passages are significant: for the Fourth Commandment, Genesis 2:3; Exodus 16; Genesis 7:4; 8:10, 12; for the Fifth Commandment, Genesis 37:10, for the Sixth Commandment, Genesis 4:3-15; for the Seventh Commandment, Genesis 12:17; for the Eighth Commandment, Genesis 31:30; 44:8; for the Ninth Commandment, Genesis 27:12; and for the Tenth Commandment, Genesis 6:2; 13:10, 11”.[12]

Schreiner continues:

“...The distinction between what is moral, civil, or ceremonial is not always clear” (p. 93).

Even if distinctions between civil and ceremonial laws are not immediately evident in every case, this is really beside the point with regard to the perpetuity of the moral law. As

already shown, the primary issue is the difference between natural and positive law. Historically, both the civil and ceremonial laws were deemed positive laws because, devoid of their establishment in connection with the Mosaic Covenant and Israel as a theocracy, these precepts were *indifferent*. Only the natural law abides forever, and it is not difficult to discern the moral law's content from within its republication at Sinai. As Sam Renihan emphasizes, "The second and third divisions of the law into ceremonial and judicial laws are simply subdivisions of positive law."**[13]**

*"As long as the distinction between moral and positive law is maintained, the tripartite division is just a particular application of that distinction...."***[14]**

*It would be absurd to deny this distinction. If all law is moral, no law could ever be changed. If all law is positive, God's character is mutable, capricious, and untrustworthy. Paul's designation of circumcision as counting for nothing in Gal. 5 and 6 demonstrates the nature of a positive command. Paul does not deal the same way with the moral law, the Ten Commandments (cf. Rom 3:31; 7:7, 22)."***[15]**

Note also that the Ten Commandments were purposefully set apart from the rest of the law as recorded in Exodus. Brandon Adams reminds us that

*"...God has testified clearly throughout Scripture that these eternal moral norms are summarized in the decalogue. When we look to the Mosaic law, this distinction was abundantly clear from the very first giving of the law where we see a very clear distinction in the text between the law written in stone by the finger of God (Ex 24:12; 32:16; 34:1, 28) and spoken by God (Ex 20:1), and the rest of the laws written by (Ex 24:4; 34:27) and spoken by (Ex 21:1; 24:3) Moses. Only the 10 Commandments/tablets of stone were placed in the ark of the covenant (Ex 25:16; 40:20; Deut 10:1-6; 1 Kings 8:9; Heb 9:4). Thus there is a distinction inherent within the Mosaic law of a division within the Mosaic law."***[16]**

We have already noted that God Himself has displaced positive laws given to Old Covenant Israel while demanding repentance toward His commandments (see also Hos. 6:6; Is. 1:11-17; Jer. 7:21-23; Mic. 6:8; 1 Sam. 15:22-23; Ps. 40:6; 51:17).**[17]**

Also, it is unhelpful for Schreiner to accuse the framers of the reformed confessions of having divided the law into, “moral and nonmoral categories” (p. 94). Perhaps the term “moral law” causes confusion for some, but it is simply a designation for the eternally abiding natural law written on man’s heart. I agree with Schreiner that laws deemed “civil” and “ceremonial” may certainly have a moral dimension to them, but the moral law is not termed such as if to imply that other laws are “nonmoral”. It is simply theological shorthand.[18] Note Calvin:

“We must attend to the well known division which distributes the whole law of God, as promulgated by Moses, into the moral, the ceremonial, and the judicial law, and we must attend to each of these parts, in order to understand how far they do, or do not, pertain to us. Meanwhile, let no one be moved by the thought that the judicial and ceremonial laws relate to morals. For the ancients who adopted this division, though they were not unaware that the two latter classes had to do with morals, did not give them the name of moral, because they might be changed and abrogated without affecting morals. They give this name specially to the first class, without which, true holiness of life and an immutable rule of conduct cannot exist.”[19]

Schreiner goes on to say that

“moral norms...are not normative merely because they appear in the Mosaic covenant, for that covenant has passed away. It seems that they are normative because they express the character of God” (p. 94).

No disagreement here. These moral norms, while summarized in the Decalogue, are indeed “not normative merely because they appear in the Mosaic covenant”. Is this not essentially what is being asserted about the moral law of God which transcends covenants?

In part 3, some questions are raised concerning a denial of the threefold division and perpetuity of the moral law, and why it matters.

[1] Barcellos, R.C., How the “uses of the law . . . sweetly comply with . . . the grace of the

Gospel” (2LCF 19.7), p. 4.

[2] For a helpful discussion of this passage and other Scriptural uses of the word ‘law’ see Tom Hicks’ article *The Division of Old Testament Law* and his sermon *The Perpetuity of the Moral Law of God*.

[3] Emerson, G.I., *Hosea: An Israelite Prophet in Judean Perspective*, JSOT Press, Sheffield, 1984, p. 153.

[4] Ross, P.S., *From the Finger of God: The Biblical and Theological Basis for the Threefold Division of the Law*, Mentor Imprint by Christian Focus Publications Ltd, Ross-shire, Scotland, 2010, p. 130.

[5] Ross, ref. 4, p. 144.

[6] Consider the particular Sabbath mentioned in John 19:31, or the plural ‘Sabbaths’ in Col. 2:16. For a helpful discussion of the phrase, “festivals, new moon, and Sabbaths”, see Jim Renihan’s article, *Caterpillars and Butterflies: A Review of New Covenant Theology*, by Tom Wells and Fred Zaspel.

[7] *The Theonomy Debate: Joel McDurmon vs. Jordan Hall*

[8] “Theonomy was off-track from Rushdoony’s foundational declaration ‘We have previously seen how impossible it is to separate any law of Scripture as the Westminster divines suggested . . . At this point, the Confession is guilty of nonsense.’ (R.J. Rushdoony, *The Institutes of Biblical Law* (Nutley, NJ: Craig Press, 1973), pp. 550, 551.) It has attempted to backpedal since those statements, trying to read theonomy into the confession and reformed theologians, but it cannot be done. In fact, this is why McDurmon was so clear in his urging that we not to rely on historical or confessional standards in this area. He is merely following in Rushdoony’s footsteps, which he must, for Rushdoony’s candid admission on the threefold division is essential to theonomy, as McDurmon mentioned.... Thus Hall was right to note that Bahnsen’s ‘entire theology denies a threefold distinction of the law.’” Engel, C.J. and Adams, B., *The Theonomy Debate: Analysis: Are the Mosaic Civil Laws Obligatory for Civil Governments Today?* Kindle location 530—44 [kindle / pdf]; See also Ross, ref. 4, pp. 15—16, and Hall’s recap of the debate, *Embers of a Dying Fire*.

[9] Barcellos, R.C., *The Covenant of Works: its Confessional and Scriptural Basis*, Reformed Baptist Academic Press, Palmdale, CA, 2016, p. 44.

[10] Barcellos, R.C., How the “uses of the law . . . sweetly comply with . . . the grace of the Gospel” (2LCF 19.7), p. 4.

[11] Waldron, S.E., *A Modern Exposition of the 1689 Baptist Confession of Faith*, EP Books, Welwyn Garden City, UK, 2016, p. 279.

[12] Waldron, ref. 11, p. 281.

[13] Renihan, S., ‘Kingdom Through Covenant: A Biblical Theological Understanding of the Covenants’, A Review Article, *Journal of the Institute of Reformed Baptist Studies*, 2014, p. 173.

[14] Renihan, ref. 13, p. 174.

[15] Renihan, ref. 13, p. 174, fn. 12.

[16] Adams, B., 1689 Federalism Response to Wellum’s “Progressive Covenantalism and the Doing of Ethics” July 24, 2015.

[17] Ross, ref. 4, pp. 126–27.

[18] Similarly, the term “positive law” used in this article does not imply that there are other laws which are “negative”. It is simply an historically agreed upon term intended to denote law that is “posited”.

[19] <http://www.ccel.org/ccel/calvin/institutes.vi.xxi.html>. Credit goes to Brandon Adams for providing this quote and for reviewing an earlier draft of this series.

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