

2006

A History of the Idea of "God's Law" (Theonomy): Its Origins, Development and Place in Political and Legal Thought

Marc A. Clauson

Cedarville University, clausonm@cedarville.edu

Follow this and additional works at: http://digitalcommons.cedarville.edu/faculty_books



Part of the [History of Religion Commons](#), and the [Political History Commons](#)

Recommended Citation

Clauson, Marc A., "A History of the Idea of "God's Law" (Theonomy): Its Origins, Development and Place in Political and Legal Thought" (2006). *Faculty Books*. 66.

http://digitalcommons.cedarville.edu/faculty_books/66

This Book is brought to you for free and open access by DigitalCommons@Cedarville, a service of the Centennial Library. It has been accepted for inclusion in Faculty Books by an authorized administrator of DigitalCommons@Cedarville. For more information, please contact digitalcommons@cedarville.edu.

A History of the Idea of "God's Law" (Theonomy): Its Origins, Development and Place in Political and Legal Thought

Disciplines

History | History of Religion | Political History

Publisher

Edwin Mellen Press

Publisher's Note

Excerpt used by permission of The Edwin Mellen Press

ISBN

9780773455986

Introduction

This book concerns two topics which we are told never to discuss in public: religion and politics. I will deal with both here. The issue of political ethics remains as controversial as it has in years past. The labels "liberal" and "conservative," both of which have taken on new meanings during the last century, continue to evoke emotional responses from the opposite party. Political theorists and philosophers, as well as legal philosophers, seem to advance innovative theories about governmental authority, individual rights, and legal theory at a rapid-fire pace. Most of these theories, though not all, are aimed at justifying the ever-increasing sphere of governmental power and scope, though some are equally determined to excise all government. The range of ideas as to the role of government and law is breathtaking, along a spectrum from radical libertarianism to various forms of socialism, most gradualistic but some not, and on to anarchy. The vast bulk of modern theories of government would, it is fair to say, include a generous role for government. I shall have more to say later on political theory and Theonomy.

With regard to ethics, relativism of differing degrees has, in keeping with the postmodern condition, carried the day. Social ethics have become simply what the state says they should be, in accordance with the prevailing political atmosphere and pragmatic considerations. At the popular level, the legal system for many appears to have abandoned any semblance of reason or common sense. The courts enforce laws that to many seem ludicrous at best. Legislative bodies at all levels, in the estimation of many, busy themselves with new statutes that encroach on the sphere of individual right and power, while at the same time they spend greater amounts of taxpayer money collected from multiplying sources of tax revenue and prolifically engage in self-enriching activities. Moreover there is a growing perception that legislators are buying votes through profligate

spending. Administrative agencies endlessly promulgate new rules, ostensibly to implement statutes, but seeming on closer examination to have their own narrow agenda. Not only that, but such regulations have the force of law without the benefit of representation. Laws themselves appear to exhibit increasingly tenuous ties to traditional morality or ethics and in fact often contradict Judeo-Christian principles. Those that do not are subject to the wrath of the courts. In the meantime, reactions to these measures have ranged from throwing hands in the air to bombing federal court buildings.

Where does that leave the Christian who is interested in the realm of political ethics? Here too, the array of theories (and practices) is astounding, albeit a bit narrower than generally. Some Christian political theorists assert that government has no substantial authority beyond defense, criminal justice and the like, and will be the first to insist on the right to drive at any speed they wish, simply because the Bible grants no explicit authority to set speed limits.¹ Other Christians, near the opposite end of the philosophical spectrum, and using the same Bible, though interpreting it quite differently, have written about the sinfulness of money and of incomes over a fixed amount, beyond which government should tax all of the remainder and redistribute it to the needy.² Finally, the vast middle either has some combination of inconsistent ideas or has not the slightest clue, and often less interest, about the nuances and implications of political and legal theory. Many Christians are content to claim personal piety and leave politics to the pragmatists. Some have no real Christian worldview of government and, at any rate, many distrust any involvement in it because it is believed to be either evil or distracting from the true mission in life—to win souls and wait for the rapture.³ Others are quite content practically to accept the new roles of government so long as the

¹ This is of course but a single example.

² This is the seeming logical conclusion of writers such as Ronald Sider, *Rich Christians in an Age of Hunger*. InterVarsity, rev. and expanded, 1984, whose work elicited strong negative response from Theonomists.

³ The latter group actually represents a fair number of evangelical Christians, who are partially dispensationalist, but unaware of it, and also simply indifferent to the issues related to the state.

outcome benefits them. For all these sometimes diverse groups, the use of the Old Testament law is problematic at best.

One of the most interesting but as yet not well-understood, and even less respected, movements within the church of the late twentieth century and early twenty-first century has been the so-called Theonomic movement or simply Theonomy. A working definition of this movement would include the call of Theonomists for the application of the Old Testament or Mosaic Law to the civil realm so that what is punishable as crime or other civil offense in the Mosaic Law ought to be similarly punishable by governments today through their judicial systems.⁴ Related to their legal theory is a theory of government in general: that its scope and power must be limited to what the Scriptures of the Old Testament (supplemented by the New) clearly command or what can be deduced from those particulars.⁵ In other words, the entire Mosaic set of judicial laws, whether proscriptive or prescriptive, is valid in exhaustive detail in modern society. Though this movement is strongest among Reformed theologians, churchmen and laypeople, it also finds adherents among other groups, including Baptists and even Charismatics.

Theonomy is, to be sure, not a monolithic movement, and Theonomists disagree among themselves over the precise way the Law is to be applied (and understood). Nevertheless, one will find uniformity in that all Theonomists are committed to the ideal of the use of the Law in a more or less literal and exhaustive way in civil society.

As I stated above, Theonomy is often misunderstood. Even many scholars have failed to grasp its subtleties. But Theonomists themselves as well as their detractors have also failed to understand fully the historical origins and

⁴ A more detailed definition will be provided below. Theonomy will be distinguished from the eschatological thought labeled Postmillennialism, though the two often (but not logically necessarily) go together.

⁵ It will be important to stress the aspect of deducibility, since Theonomists realize that Scripture requires application or implication and does not always address a given issue directly. But deduction is merely drawing out what is implicitly (and logically) there in a given proposition. See David Kelley, *The Art of Reasoning*, Third edition. Norton, 1998.

development of Theonomy. The movement is frequently thought to have arisen in the 1960s and 1970s, paralleling a resurgence of conservative Reformed thought and practice.⁶ Some Theonomists themselves will trace their heritage to men like John Calvin and John Knox and to the seventeenth-century English Puritans and Scottish Presbyterians.⁷ Others see the movement's ideas as unique and without substantial continuity with the past.⁸ Whatever the case, there have been no works which have attempted a full-scale examination of the roots, transformations, and migrations of Theonomy from the early modern period to the present day. It is the task of this work to attempt such a historical treatment, beginning, somewhat arbitrarily, with John Calvin and John Knox and moving—or rather skipping—through some four-hundred years to the late twentieth century. As I trace the movement, it will not be my intent to attempt a criticism of it, either for good or bad. My aim is to present accurately its development from its early modern days. This also implies that Theonomy, defined broadly, was not novel even in the days of John Calvin, as indeed it was not, especially when one looks to the Old Testament records. But, it seems clear that Theonomy as we know it today originated in at least one form in the early modern period, and on that score, some of the Theonomists, I believe, have it partially right. We will even be able to pinpoint the most Theonomic center of the early modern period to some sixteenth century Reformers, to the Puritans and to Scottish Presbyterians of the seventeenth century. As I said, many modern Theonomists have been quite open in their admiration for Puritans and their Scottish brethren and if we were to find their roots as they themselves see them, there is no question that those roots would be in the nomism of various varieties of seventeenth century Puritanism, as

⁶ For example, the Presbyterian Church in America was formed in 1973 and contains a good many Theonomists at present, as it did at its founding.

⁷ See R. J. Rushdoony, *The Institutes of Biblical Law*. Craig Press, 1973, especially the first few pages.

⁸ Gary North has written that there was no Theonomic movement before the publication of Rushdoony's *Institutes of Biblical Law*.

well as to the sixteenth century.⁹ Even those Theonomists who see the modern Theonomic movement as essentially unique have found common ground with the groups mentioned above.

Nevertheless, it remains to know how Theonomy became what it is today, the process of its development over the centuries, even in those times when it might have appeared to have died out as a movement. Implicit in the last statement is my own thesis that, although Theonomy is in fact traceable in certain respects to the early modern period, its development has not been one long and continuous propagation without change over time. Rather it has undergone certain very important modifications in the twentieth century—hence, we can speak of a Theonomic movement beginning in the recent past.¹⁰ I will label this movement modern Theonomy, in contrast to its roots in the past. The modern Theonomists, we will see, are at least partially neo-Puritan or Scottish Presbyterian in their own perception of their movement.¹¹

Apart from its novelty I believe, this study will be important for others reasons. First, it is a relevant issue in the churches. The initial burst of enthusiasm and vitriolic for and against the movement has subsided somewhat since the 1970s and 1980s. Nevertheless, the issue still arises frequently enough in written works, especially by “secular” historians, and in ordination disputes, as well as other settings, that it seems important to try to lay to rest the issue of Theonomy’s origins and development.¹² I do not pretend to be able to answer that question

⁹ See Ernest Kevan, *The Grace of Law: A Study in Puritan Theology*. Soli Deo Gloria Ministries reprint, 1997, for a still useful examination of the range of Puritan views of the Mosaic law.

¹⁰ I do not wish to leave the impression that Theonomy cannot claim some writers of the past as being very close at least to their twentieth century position.

¹¹ It is not altogether clear that this self-characterization is strictly correct, though it will prove to be partially accurate. In addition, Puritanism is not the only influence that helped constitute the modern Theonomic movement.

¹² I am not suggesting that all non-Christian historians have mischaracterized the movement, but there is evidence of an incomplete understanding. On the other hand, self-consciously Christian historians have failed to understand Theonomy fully. See for example, J. Ligon Duncan, “Moses’ Law for Modern Government: The Intellectual and Sociological Origins of the Christian Reconstructionist Movement,” a paper presented to the Social Science History Association, Atlanta, GA, USA (1994), and appearing in *Premise 2*, no. 5 (May, 1995), 4-19, who, despite an

definitively, but I do hope to move everyone a bit closer to a resolution. I hope to bring a good deal of light to the subject, instead of the frequent heat of the continuing polemical battles.

In addition, this study, I believe, will have certain important, and helpful, results for the movement itself. If I am right about my conclusions, that is, if I have collected and interpreted my historical evidence correctly, the Theonomic movement ought, for the sake of objectivity, to adopt a somewhat less ambitious approach to its own pedigree. This, coupled with a greater degree of understanding of the movement by its critics, may help to diffuse the conflict which has beset the Theonomic movement. It is true that I may find that I have only helped to clarify the battle lines, but at least the truth, in some measure, will be available to all.

Finally, a study of Theonomy is important for its relationship to other political philosophies. Mainstream political theory has tended in recent decades—if not centuries—to neglect religiously based political ideas. This is partly due to the general intellectual climate and partly due to the impact of that climate upon the discipline of political science and political theory themselves. The discussions have centered around ideologies such as liberalism (classical and modern), socialism, libertarianism, communitarianism and the like, as well as attention to natural and positive law theories. In the political science discipline, empirical endeavors have carried the day, sometimes to such an extent that theory has been all but ignored. Political theology has been relegated to the arcane realms of the history of political thought, but even here, the focus has been on republican forms of government and law versus varieties of monarchism, or on the shift of natural law to positive law, with only slight mention of the place of the Christian Scriptures in the history of political thinking. A study of Theonomy will, I believe, bring theology back to its rightful place in political dialogue, even if Theonomy itself proves unacceptable.

otherwise excellent descriptive article, tends to lump all Theonomists together (this in spite of his argument to the contrary).

I will follow an outline roughly like this. First, I will define Theonomy, and this definition will include its various manifestations as seen in the works of the respective factions of that movement. Also included will be a thorough examination of Theonomy's nature, particularly its constituent elements. Second, and more to the purpose of the book, I will trace the history of Theonomy as a movement. This means I will be concerned not only with Theonomy in the abstract, but also as it has actually existed in time and among certain groups. Of course, to see this, we must of necessity be selective in marshalling historical evidence. Thus, the evidence will come from individuals who actually made their views known in writing, men such as John Calvin, Martin Bucer, the Puritans, Theodore Beza, Francis Turretin, Samuel Rutherford, then later Gary North, Kenneth Gentry, R. J. Rushdoony, Gregory Bahnsen, and many others. This is not say that, in their writings, all of these men actually used the term "Theonomy" as it is used to today. Moreover, this very fact will certainly cause some criticism to arise, possibly rightly, that I am imposing a modern term on an older writer and therefore "making" him what he in fact was not. I do intend to let the facts speak for themselves, and I believe that when they do, these older writers will deserve the label "Theonomist." But, and this is crucial, we must ask whether every figure examined will conform to what a contemporary Theonomist might wish or believe. I said already that Theonomy as a movement was not monolithic. I add here that it has never been monolithic in history. It is only unified in the "mind" of God, but unfortunately, that mind is not always simple to interpret, as it is written in the Bible. All Theonomists would make primary use of the Bible, but they have not all understood it the same way. Theonomy therefore, then as now, becomes in part, an issue of interpretation. In addition, we must address the question, often raised, of whether certain views can even be legitimately labeled as Theonomic.

In addition, I make a disclaimer at this point that this history is in a sense and to an extent an older type, derisively labeled the "great man" approach. Especially when dealing with the sixteenth and seventeenth centuries, the

evidence “from below” is at best sparse and almost always non-existent. Therefore, I am restricted to the “elites” and intellectuals, to their records left to us because they were the ones who could read and write. Does this mean there was no larger body of people we could call Theonomic? I do not think that this question must be answered in the negative. In the cultures with which I am dealing early on, the center of learning was tightly bound up with religion and with the church. If ministers were the educated class and if they did form a conscious Theonomic body of thought, even if in a minority, they would most certainly have passed their ideas on to their congregations (we have evidence that they did). So to rely on the elites is not necessarily to mischaracterize the extent of Theonomy in the sixteenth and seventeenth centuries. Of course, given the much higher literacy rates in the twentieth century and the greater availability of information in this technological era, it will be much easier to assess the extent of Theonomy at the level of culture below the elite or intellectual level.¹³

In developing the history of the movement, after a short introduction of the thought of Thomas Aquinas and John Wyclif, I will concentrate on the sixteenth century, particularly the work of John Calvin, John Knox and their Reformed contemporaries and successors. It is tempting to look also, albeit briefly, at the Lutherans, Anabaptists, and others. I will in fact give attention to Luther, the Lutheran tradition and the Anabaptists. However, the bulk of this work will of necessity focus on the Reformed tradition, including the English reformers such as William Tyndale. It is to this Reformed tradition that the roots, in part, of modern Theonomy may be traced. The following chapter will cover the crucial period that includes the Puritans, Scottish Presbyterians, and Continental Post-Reformation Scholastics. Here we will see the real flowering of a type of Theonomy, not universal, but still real, that one could identify as at least similar to contemporary Theonomy. Later chapters will pick up the story of Theonomy

¹³ Indeed, the era of the internet, to an extent much greater than the printing press, and combined with higher literacy rates (though varying), has created a virtual cornucopia of information from real and self-styled Theonomists.

in the twentieth century, as it became a movement. The twentieth century is a pivotal one, for it is here that the conservative Reformed thinkers began to put forth Theonomy once again as a viable alternative to the political and social philosophies of their day. It was also in this century that Theonomy experienced a renaissance in popularity in the church at all levels. Theonomy was probably at its strongest in the seventeenth and the twentieth centuries, but all these centuries and periods are important for this history, in order to show the development of the idea and the movement in an unbroken line and to indicate the main lines of influence. Following chapters will address the modern Theonomy movement as it has developed in all its interesting variations. But here also we will discuss the "quasi-Theonomists" of the so-called "Christian Right," who in certain aspects resembled Theonomists but, where they were aware of the movement, opposed Theonomy or at least showed indifference to it.

Since Theonomy had its modern origins mainly in the seventeenth century (and to a lesser extent in the sixteenth century), and its modern resurgence in the twentieth century, obviously I will devote more attention to those periods. This does not mean that I will slight the evidence of other periods, as it is crucial for establishing the development of the movement. However, it is much easier to find evidence from those centuries simply because so many individuals were concerned with some form of Theonomy due to the issues of the relation of church and state, the relation of the individual to the state, and the discussions and debates regarding the powers and duties of the state. Much of the earliest debate took place in turn in the context of the rise of the modern state, or, what we might call the rise of the modern *secular* state. Many of the same issues are at the root of the more recent Theonomic movement. Reformed Christians in particular, with their tradition of suspicion of unlimited state power and limited constitutional government, have written and spoken in opposition to what they consider to be a usurpation by the state of the authority of God and His Law. Their works range from polemical tracts and books at the popular level to quite sophisticated philosophical, theological and biblical treatises on the role of the

civil aspect of the Mosaic Law as well as the limits imposed by that Law on the state.¹⁴ Some of these works and their authors have gained almost a “cult following,” though such an assertion is not intended to denigrate their sophistication or to detract from their possible value. At any rate, the point is that the contemporary Theonomic writers are dealing with much the same set of problems in a different historical context.¹⁵

But it is worth reiterating that this work will also deal with more than those who are strictly labeled Theonomists. Many theological conservatives, fundamentalists (to use this very misunderstood term), and others, while refusing to be identified with Theonomy, for one reason or another, have adopted positions with respect to the political and legal realm that place them in a category I have already labeled “quasi-Theonomist.” These individuals and movements—the Christian Right for example—are also important for this analysis, since we will attempt to discern any conscious influence on them from Theonomy. But even where they disavow Theonomy, insofar as they adopt Theonomic positions, they have played an important role in propagating Theonomic ideas, to a greater extent even than the Theonomic movement itself. In addition, their responses and reactions to the Theonomic movement will be important for our overall understanding of the movement.

Definitions

The words “Theonomy” or “Theonomist” were not used by those whose views, in the sixteenth through the nineteenth centuries, resembled or matched exactly, the ideas with which present day Theonomists describe themselves. Nor did their detractors use that term of Theonomically oriented individuals of the period from Calvin to the nineteenth century. I can find no reference to this term at all, in the sense in which I am using it here, in the literature of the period before the mid- to late twentieth century. The term has only been used to describe the

¹⁴ An example of a more sophisticated treatment would be Gregory Bahnsen, *Theonomy in Christian Ethics*. Phillipsburg, NJ: Presbyterian and Reformed, 1977..

¹⁵ See Bahnsen, *op. cit.*

ideas and the movement which I will elaborate below, in the late twentieth century or to other uses made by theologians who would not have considered themselves either Reformed or theologically conservative.¹⁶ As to the origin of the use of this term by modern Theonomists who are the subject of this book, only apocryphal stories exist. It appears the term came into use quite naturally early on, in contrast to the term "autonomy."¹⁷

Nevertheless, especially since there existed individuals who did subscribe to the same or a similar approach as present day Theonomists, it is important to attempt to define this most "slippery" term, or, at least to provide a working definition. Such definitions cannot hope to describe completely accurately the thought of those of earlier centuries, especially given the different perspectives of most modern Theonomists as compared to older writers and given the different historical contexts. But a definition can give us some benchmark of comparison to the present-day Theonomic movement.

As a preface to defining Theonomy, I will first discuss a crucial distinction made by most modern Theonomists and frequently criticized by their detractors. Theonomists, and also other theologians in the history of Christianity, have as rule distinguished the Mosaic Law into parts or aspects. The corpus of that Law, as contained in the Pentateuch, is almost universally divided by Theonomists into two parts: (1) the moral commands; (2) the ceremonial commands associated with the Old Testament sacrificial system. Within the moral law, Theonomists then distinguish the moral aspects of the Mosaic Law and the judicial or civil aspects or commands. The moral precepts are very general and summary commands

¹⁶ To be sure, Theonomy as a term has been used in other, very different, contexts in the twentieth century. See Paul Tillich, *Religiose Verwirklichung*. Berlin: Furche, 1929, who distinguishes between autonomy, heteronomy, and theonomy, the latter which he defines as "sharply distinguished from heteronomy, i. e., from the shattering of autonomously validated forms of human thought and action by a law alien and external to the spirit. Theonomy is in contrast to heteronomy an imbuing of autonomous forms with transcendent import," quoted from "Theonomie," in *Die Religion in Geschichte und Gegenwart*, ed. by Hermann Gunkel et al. Tubingen: Mohr, 1931, Vol. V. See also James Luther Adams, *Paul Tillich's Philosophy of Culture, Science, and Religion*. New York: Harper and Row, 1965, 52-54, 60, 77-85.

¹⁷ The term "Reconstructionism" is said by some to have arisen in a conversation between Greg Bahnsen and Gary North, and was finally settled on after "Transformationism" was rejected.

while the judicial precepts “specify the general precepts by way of illustrative application....”¹⁸ This type of distinction is made because of an underlying presupposition in modern Theonomy, that the judicial commands must still be valid in a literalistic and comprehensive fashion, just as the moral precepts must remain valid. This is a necessary proposition simply because for Theonomists, God’s nature is immutable. Therefore, his law cannot change in substance. In fact the judicial laws flow from the moral laws. J. Ligon Duncan has noted that this linking of the judicial and moral commands has made it logically impossible to deny the continuing validity of the judicial code if one accepts the validity of the moral commands.¹⁹

To be sure, many theologians and churchmen have posited a three-fold division of the Mosaic Law: moral, ceremonial and judicial commands.²⁰ But this is really no different from the two-fold distinction with its two-fold subdivision, except that it may more easily justify a discarding of the judicial laws if they are not specifically connected to the immutable moral laws.

The moral commandments consist of those parts of the Mosaic Law which have universal and timeless force, as they reflect the nature and attributes of God Himself. Examples include commands regarding idolatry, stealing, murder, blasphemy, and adultery. These commands are considered always to be sin, but not necessarily criminal or civil violations. In every instance of a violation of a moral command, the church has the duty to deal with that sin in some way, but the government does not have this duty in each and every such case (though it certainly would much of the time).

Ceremonial commands are those which are related to the sacrificial system of the Old Testament or to the consecration of the Hebrew people as “holy” and therefore separated from the surrounding peoples after the Exodus. Such

¹⁸ See *Ibid.*,

¹⁹ See Duncan, “Moses’ Law for Modern Government,” in *Premise*, op. cit., 14 (p. 10 of the internet version). But some Theonomists do make a tripartite distinction.

²⁰ See the *Westminster Confession of Faith* (1648), Chapter XIX of the original English edition, the Scottish edition and the various editions of Presbyterian churches.

commands are not considered timeless. In fact, they would be considered legalistic, in the technical sense of that term, if enforced today, either by the church or the state. Examples of ceremonial commandments include all sacrifices, as well the Sabbath on Saturday (a distinctly Jewish aspect of the Law). The reason these rules are considered ceremonial and therefore unenforceable or non-normative is because of their intent to point forward to the coming of Jesus Christ. They are therefore "types" of Christ. But when Jesus Christ came, these commands became unnecessary because of Jesus' perfect and once-for-all sacrifice rendering any repeated sacrifices null. One may, according to the Theonomist, look to the Letter to the Hebrews to find support for this position. Theonomists will sometimes exercise caution on this issue, since they must also reconcile their notion of the role of a ceremonial command with Jesus' programmatic statement in Matthew 5: 17 that he had not come to abolish the Law of the Prophets but to "fulfill."²¹ Moreover, some ceremonial regulations overlapped with moral regulations and a given law could have aspects of each. Thus, the ceremonial aspect would drop away while the moral aspect continued unaffected. In some instances it could then be argued that the moral command had a judicial component, for example, the enforcement of the Sabbath Day or Sunday by the magistrate as a day on which unnecessary economic activities must cease.

Finally, a judicial or civil commandment or regulation is generally defined by Theonomists as one which is bound up in the government of a nation, specifically the government established by God for the Commonwealth of Israel by the Mosaic Law. This does not imply that the Mosaic judicial laws are confined to historical Israel. As we will see, they are valid and binding for the duration of the earth's existence. Judicial regulations include laws against murder, theft, adultery, homosexual practice, open rebellion of children against parents, and many other prohibitions, as well as laws prescribing the care of property owners

²¹ Examples abound, however, of incautious language to the effect that Jesus did in fact abolish the Law by his coming.

in providing for safety of those who might visit them, and other similar regulations. These laws also include the particular establishment of the specific structures of government and the economic system of the Hebrew Commonwealth, even though most (not all) of these rules are not in the form of law but in narrative form.²² These regulations are a kind of “case law,” in that they represent individually examples of a more general principle which is moral in nature. In each of these instances, the Theonomist argues, a violation of that law is, besides being a sin, also punishable by the government as an offense. Specific punishments are a matter of debate among Theonomists, but in general, most would tend to call for a punishment similar to or exactly like that prescribed in the Bible. Therefore, murder, adultery, homosexual behavior, and many other crimes would be punished by the death penalty, while others would require restitution.²³ But, as I have noted above, the modern Theonomist does not technically separate the moral and judicial laws, though he must be able to do so logically in order to discuss them. I will not emphasize this difference of distinction between many Theonomists and traditional Reformed theology (and non-Reformed doctrine also), but it should be borne in mind as crucial to the modern Theonomist’s argument for the continuing validity of the judicial precepts. My focus will be on the evidence for continuing validity, and so I will only touch incidentally on the differences in classification.²⁴

Our definition of Theonomy then asserts that all the law of God is valid for and binding on modern man and culture in exhaustive detail.²⁵ This includes moral, ceremonial and judicial or civil laws. Not all laws, however, are valid in the same

²² For a modern Theonomist, the form of government and economics for the nation-state of the Jews still represents part of the total Theonomic system since the narrative becomes normative because the particular form or forms express God’s nature. God would not establish a representative government unless he wanted that form and he wanted that specific form because it somehow reflected His own nature.

²³ The evidence for these disagreements will be presented below, and in its historical context. See below for more on this issue.

²⁴ This is not to say the differences are not important, but historically, the real issue, I am convinced is whether the judicial laws are in fact still valid in civil society.

²⁵ See Greg Bahnsen, *Theonomy in Christian Ethics*, op. cit., 45.

way. Moral commands are eternally valid for the personal and inner life. They are related to sanctification. Ceremonial laws are not literally valid but typologically valid. They function to point to Christ or to set a people apart from the surrounding secular cultures. Judicial laws are valid in exhaustive detail. This means that even the "case laws" of the Old Testament remain binding and valid for the magistrate.²⁶ These judicial laws are the focus of this work. It is possible to define Theonomy in terms of all the types of laws in the Old Testament. However the usual understanding of the term limits it to the problem of the validity of the judicial laws. I will therefore use the term to refer only to the use and validity of the judicial laws.

It is perhaps obvious, but nevertheless crucial, to understand the basis on which Theonomists rest their theory of law. Generally, they appeal strictly to Scripture and from logical deductions properly made from it as the foundation and source of their legal system.²⁷ Appeals to natural law are viewed with a great deal of suspicion, though we will see that Calvin was somewhat ambiguous on this point.²⁸ Appeals to positive law are viewed with outright disdain by Theonomists, since they argue that positive law has increasingly become an arbitrary exercise of "raw" governmental power designed to foster unbiblical aims. This is not to say that all so-called positive law is inconsistent with biblical law, since a great deal of the Western legal system is rooted in biblical principles. However, the Theonomist would assert that, as the state increasingly discarded its Christian principles, separating more and more from religion, it correspondingly adopted laws that had little or no basis in biblical law and which often ran counter to it. What little of the biblical tradition is left is itself being overwhelmed first by the pragmatist school of legal thought and second, more recently, by the postmodern or legal deconstructionist approach to law. This is not to say that Western law does not still contain a great deal of the Old Testament law embedded in it in

²⁶ See Ibid.

²⁷ See Ibid.

²⁸ See Calvin, *Institutes of the Christian Religion*, 2 vols., edited by John T. McNeill, trans. by Ford Lewis Battles. Philadelphia: Westminster, 1960.

principle. One sees examples in criminal law, tort and contract law and in the very structure of the United States Constitution which in certain aspects is grounded in understandings of governmental structure of the Hebrew Commonwealth. Nevertheless, these older principles are quickly being abandoned in the newer expressions of law and the theories underlying them.

Another point to stress, which has already been raised, is that for many of the regulations of the Mosaic law, there is a double aspect. For example, murder is both a moral and a civil violation of the Mosaic Law. The Sabbath, according to many Reformed writers (and others), partakes of both a ceremonial aspect, the actual day as well as what is done, and a moral aspect, the timeless principle that the day of the Lord ought to be honored and kept.²⁹ The sin of theft, which by the way is defined somewhat broadly by Theonomists, is also a criminal offense, punishable by restitution but not with a jail sentence. Another distinction must be made at this point between what the Old Testament Law actually states and how Theonomists interpret this Mosaic Law. I will leave this discussion for later except to say that in general Theonomists tend to interpret the Mosaic regulations still in force rather strictly and are willing to make broad application of them. In addition, if it was not already clear, the Theonomists, as distinguished from other groups, for example, classical dispensationalists and certain Reformed writers, do assert the continuing validity of the civil aspects of the Mosaic Law in the realm of social ethics and political economy.

It should be mentioned that not a few scholars, as we shall see, have taken issue with the traditional division of the Mosaic Law. Some argue that this division is arbitrary, without any real basis in Scripture itself. They continue, arguing that Scripture never makes any such explicit division and this silence would militate against the traditional division. Moreover, at the practical level, determining which command or regulation fits which category is at times virtually impossible. How does one classify the offense of theft or murder or abortion or

²⁹ On this particular regulation, one of the Ten Commandments, see Joseph Pipa, *The Lord's Day*, op. cit.

homosexual practice? Some offenses might fit under all three categories. In fairness, it must be added that the Theonomist would allow for this overlap, usually by examining components of a given regulation and then classifying the regulation according to its particular components. For example, the Sabbath can be resolved into a ceremonial component—the particular day and its particular activities—and a moral component—the principles of the day as devoted wholly to God in worship.³⁰ But, on the other hand, criticisms have also been leveled at the Theonomist two-fold distinction in the law. It too is considered arbitrary and not rooted in the Bible, the very work to which Theonomists appeal for their ideas.³¹

Finally, with respect to the laws subsumed under the term Theonomy, as here used, I have already briefly mentioned that Theonomists also include in their system of laws the principles related to the structure of government for a nation-state and the economic structure for that state. This inclusion raises an immediate potential problem. The Old Testament does not explicitly state laws for the structure of government or the type of economic system. It does provide a narrative account of how and why God did establish the Hebrew government the way he did (for example, Moses' appointment of representatives, who governed sub-groups of the total population). It also gives specific laws that, if collated, could provide a total governmental and economic system (for example, the prohibition against stealing creates the legal foundation for property rights which in turn creates a necessary pre-condition for a market economy). Theonomists have side-stepped this problem by arguing that God would not have established a particular form of government or issued particular commands unless he desired a specific political and economic structure. This structure must therefore reflect his own nature and must be normative (assuming appropriate interpretation of the Old Testament). In addition, Theonomists rely heavily on the reverse argument from

³⁰ See Pipa, *op. cit.*

³¹ See Duncan, "Moses' Law for Modern Government," in *Premise*, *op. cit.*, 14 (p. 10 of the internet version).

silence—if there is not explicit command or fair deduction from a command, the action is prohibited. Since there is no command to establish a socialist economic system and not even any (or many) laws conducive to such a system, any form contrary to some republican and market form must be forbidden as a violation of the Mosaic Law.

Theonomy also has to be distinguished from a related but not equivalent movement known as Reconstructionism or Dominion Theology.³² Reconstructionism begins with the optimistic notion that God will, through His church, cause Christians to take dominion of the structures of the world and begin the movement toward the postmillennial kingdom. In fact, the kingdom of God is being ushered in, the Reconstructionist argues, with each small or large advance of the Christian worldview agenda in the world. It will someday be consummated with the second coming of the Lord.³³ It is important to understand that for the Reconstructionist the kingdom is not brought about by force. God works in history to bring more and more individuals to faith in Jesus Christ and to submission to His will in all things, including political and legal structures. As a result over time the Mosaic civil law will be incorporated into the legal system as part of an overall systemic change. But this change is gradual and accomplished ultimately by God. As one can see, Reconstructionism represents a variant of postmillennial eschatology. In addition, it follows that one can logically be a Theonomist without being a Reconstructionist, although this is relatively rare,³⁴ but one cannot be a Reconstructionist without being a Theonomist also, unless he

³² On this movement, see Gary North, *Tools of Dominion: The Case Laws of Exodus*. Tyler, Texas: Institute for Christian Economics, 1990, who weds Theonomy with Dominion Theology. See also David Chilton, *Paradise Restored: A Biblical Theology of Dominion*. Tyler, Texas: Reconstruction Press, 1985. For a critique of Dominion Theology, see Bruce Barron, *Heaven on Earth? The Social and Political Agendas of Dominion Theology*. Grand Rapids: Zondervan 1992. Barron comes very close to confusing Reconstructionism with Theonomy.

³³ Theologically this is a postmillennial eschatology, but not a secular postmillennialism. See Hans Schwarz, *Eschatology*. Eerdmans, 2000, p. 332.

³⁴ Theonomists as a rule reject the possibility of holding a Theonomic view without holding to postmillennialism. But some have attempted this, for example, Thomas Ice, who at one time considered himself a Theonomist. Interview with Thomas Ice, August 3, 2005, Lynchburg, Virginia.

is illogical. Writers on the Theonomic movement have often confused Theonomy with Reconstructionism, although this confusion is understandable. I will hope to avoid such a mistake, but on the other hand I do recognize that the term is frequently used in the place of Theonomy and conveys some of the broader context for the narrower movement.

I must also mention one more issue regarding the two-fold or three-fold division of the Law as it is used today by Theonomists. It will suffice to say that this division is universally *assumed* and not proven by any writer I have examined. I am not implying that such an assumption is right or wrong. I am merely stating the adoption of such a division by Theonomists (and many Reformed writers) as a presupposition, which, apparently, needs no proof and which is self-evident. As we will see, the traditional Reformed division of the law is three-fold, moral, ceremonial and judicial, or two-fold.³⁵

This brings us to a closer examination of the definition of Theonomy. Theonomy is a movement with historical roots in the Reformation and Post-Reformation periods, which asserts the primacy, ultimacy, and exclusivity of the Mosaic Law in *social* ethics. More specifically, it is the use of the civil or judicial aspect of the Mosaic Law that is asserted by the Theonomist. To put it another way, the Theonomist would assert that there are in reality only two sources of law: autonomous man and infallible Scripture from God. It is self-evident, according to their thought, that God's law must be superior, in the sense of mutually exclusive in relation to the positive law of man. In addition, modern Theonomists insist that the civil laws must be used as they were used in the Old Testament (assuming we know exactly how they were actually implemented). In other words, a given regulation must be defined as closely as possible in its context, and then brought forward and applied to the modern context exactly as it was in the Mosaic economy, including the punishment. To be sure, Theonomists

³⁵ See the *Westminster Confession of Faith*, Chapter XIX (see below). Some older writers have not been so clear on the three-fold distinction, but this was the generally accepted belief going back far beyond the Reformation period.

do not agree among themselves regarding implementation or even interpretation, but they all hold to the essential necessity of the validity and use of the judicial laws in modern society. This sounds quite simple, allowing for the disagreements among Theonomists, but we may ask here, whether the development of such an idea always been this relatively simple? Did John Calvin hold essentially the same views regarding the judicial laws as modern Theonomists? Did the Puritans differ from Calvin and the early Calvinists? In part, these initial questions hearken back to a more general question often asked by scholars of this era: Was Calvin a Calvinist? But the questions are not exhausted by Calvin and his followers. What did the Zwinglians think? What was the view of the Anabaptists? Even more importantly, can we trace lines of influence from this early modern period through time to present-day Theonomists? To put it another way, where exactly did modern Theonomists derive their basic ideas regarding the judicial laws? We may be tempted to answer this question immediately by invoking the name of John Calvin. But the answer may be more complex, or simpler, than that if one posits the primary influence on modern Theonomy as the Bible, even considering the clear influence of the Puritan movement or the particular biblical hermeneutic of the modern Theonomists.

Theonomy is also defined in terms of ethics and is always connected to ethics for modern Theonomists.³⁶ Theonomy, as defined here, is in fact political ethics. Ethics is of course a branch of philosophy concerned with right and wrong in various contexts.³⁷ In the context of the political realm or the realm of political economy, ethics is concerned not only with the behavior of individual political/economic actors, but also with broader “structural” rules for the establishment of governments, the limitations of the power of those governments, the particular structure of governments (separation of powers, etc.), and so on. Theonomy then is rooted in a particular set of ethical principles—the Scriptures of

³⁶ Bahnsen, *Theonomy in Christian Ethics*, op. cit.

³⁷ See See William Madsen, *Ethics and Political Philosophy*. Routledge, 2001. See also Louis Pojman, *How Should We Live? An Introduction to Ethics*. Wadsworth, 2004.

the Old Testament supplemented by the New Testament. It is an absolutist philosophy as opposed to an empirical or behavioristic approach.³⁸ But it is by no means impractical. Theonomists insist that the Old Testament law must be applicable in modern culture, as all of the Christian Scriptures must be.

There is a danger in proposing the definition of Theonomy which I have used above. That danger is a type of historical fallacy which defines its object of study by modern standards and then superimposes that definition on all past events, sometimes guaranteeing that the researcher will find what he is looking for. Another result of this fallacy is that the past cannot be allowed to speak for itself and in its own terms. For example, was it really possible to find any Theonomists in earlier centuries, given their own unique historical situation?³⁹ Moreover, if one were a Theonomist today, could he legitimately pass judgment on that situation? Perhaps, to some degree, the approach I have taken, to define Theonomy in modern terms, is unavoidable, since at least some Theonomists seem to wish to find antecedents in the past for their ideas. Thus, they too may in some instances have committed a fallacy. However, because the modern Theonomist does define his ideas the way he does and then applies them to individuals in previous centuries in order to find pronomians (proto-Theonomists), then I am compelled to adopt his definition in order to determine whether those he claims as Theonomists can in fact legitimately be classified as such in terms of the modern definition. In doing so, I do not believe I am prejudicing those of the past by forcing them to be Theonomists. I will, as a historian should, allow them to speak in their own words, and then, using the modern definition, make the determination of whether they can be considered to be Theonomists as defined by the modern movement.

³⁸ Behaviorism is a kind of radical empiricism and has its roots in logical positivism. See L. Smith, *Behaviorism and Logical Positivism: A Reassessment of Their Alliance*. Stanford University Press,

³⁹ See David Hackett Fischer, *Historians' Fallacies: Toward a Logic of Historical Thought*. New York: Harper, 1970, for an excellent survey of the many possible fallacies a historian could commit.

One objection to my definition of modern Theonomy is that it reflects only one group among many, even a minority viewpoint, and therefore is misleading. As we will see many organizations outside the Theonomic camp have characterized the ideas of the movement quite differently, much more radically. In addition, there is ample evidence to indicate that Theonomy—like any movement—has “fringe” elements. Do those elements taken together constitute a majority of self-described Theonomists? If so, does that fact negate any mainstream definition? This is not the place to elaborate beyond saying that I believe the data will show that we can speak meaningfully of a mainstream Theonomic movement which may be defined as I have done above. That fact does not minimize the existence of more radical elements, which will also be considered. But these various individuals and factions do not make up the majority of the movement.

Church-State Relations and the Theonomic Movement

A clear understanding of the Theonomic movement and its history would not be possible without also grasping at least the fundamental issues in history regarding the relation between the church and the state. If, as Theonomists insist, government ought to be organized and structured along Old Testament lines, then, by definition, there must exist some sort of connection between the church, which proclaims this law as valid, and the nation-state, which would adopt and enact the laws advocated by the Theonomists. Of course, the relation between church and state, merely at the level of political power, has been long and stormy, going all the way back to the era of Constantine.⁴⁰ I cannot possibly survey the intricacies of that history. Rather I will be indirectly concerned with the relation of the church and the state in terms of the willingness and capacity of government to implement the Mosaic judicial laws.

⁴⁰ For a general history, see Sidney Z. Ehler, *Twenty Centuries of Church and State: A Survey of Their Relations in Past and Present*. Westminster: Newman Press, 1957; Stuart E. Prall, *Church and State in Tudor and Stuart England*. Harlan Davidson, 1993; Thomas G. Sanders, *Protestant Concepts of Church and State*. New York: Doubleday, 1964.

In the early modern period, where our study begins, the problem of a “separation of church and state” in a secular sense was no issue at all. While the church as an institution might be formally separate from the state, as it is in most modern nation-states, the essential presuppositions governing law, political theory, and economics were religious.⁴¹ Rulers might be secular in many respects and even pagan in behavior, but the laws governing the state and individual behavior were subject to criticism and censure by the church (the Roman Catholic or Eastern Orthodox Churches). The basic notion was of a *corpus Christianum*, that is, the notion that one was a member simultaneously of a nation-state and the church, but without significant degree of separation of the two entities. The state was a “Christian commonwealth.”⁴² The ideal was the comprehensive Christian state, ruled either by a single secular ruler whose allegiance was to the church or by a pope as simultaneously an ecclesiastical and secular ruler. When the Protestant Reformation took root in parts of Europe, the church-state picture became much more confused, adding to the already problematic “paradigm shifts” in science and philosophy. Nevertheless, it seems that the ideal among the most Reformed thinkers was that a government and its laws ought in some way and to some extent, reflect God’s law as that was understood by the Protestants. In this way, the “mainstream” Reformation preserved a fragmented version of the *corpus Christianum*. Lutherans, Zwinglians and Calvinists all sought to wed church to state in such a way that the state would enforce the laws the church deemed appropriate from its interpretation of Scripture. History students everywhere know of the alignments and re-alignments that took place after the Reformation had begun, and which were partly responsible for the wars of religion lasting from the mid-1500s almost continuously to around 1648.⁴³ Students are also quite

⁴¹ See W. T. Stace, *Religion and the Modern Mind*. Philadelphia: J. B. Lippincott, 1960, for an excellent and very readable account of these presuppositions in all realms in the Middle Ages into the Early Modern period. See also Frederick Copleston, *A History of Philosophy*, 9 vol. New York: Image, 1993, 3.310-334.

⁴² See Cameron, *The European Reformations*, op. cit., 25-26.

⁴³ See J. W. Allen, *A History of Political Thought in the Sixteenth Century*. London: Methuen, 1928.

aware of the upheavals in England, whose own unique Reformation was certainly as much political as religious, which lasted well past the initial Reformation impetus.⁴⁴

The political rule of the Reformation era was that the one who ruled a given region determined that region's religion.⁴⁵ In Reformed regions, including many city-states, this rule was not just an excuse for the ruler or rulers to impose an arbitrary set of laws on the people. Rather Calvinist or Reformed political thought lent itself to a total worldview that included the political sphere. In light of this tendency, it is not at all surprising that we should see the issue of a biblical government versus an arbitrary government arise. Reformed areas began to restructure their whole way of life, including the life of the state, so that all of life conformed to a Christian worldview.⁴⁶ But, what would such a worldview look like? Was it as simple as adopting literally the Old Testament structure of government and system of law? Or were there still reservations, rooted in theology, about such a wholesale change? We shall be exploring this problem as we examine the existence (or non-existence) of Theonomic systems of law and government in the early modern era

⁴⁴ On the situation in England in relation to toleration, see W. K. Jordan, *The Development of Religious Toleration in England*, 4 vols. Gloucester, Massachusetts: Peter Smith, 1965 and *Ibid.*

⁴⁵ The Latin phrase was *cuius regio, eius religio*, used to summarize the Peace of Augsburg, but not apparently invented until the seventeenth century.

⁴⁶ Note that the Lutheran lands, while they did attempt to preserve a Lutheran corpus Christianum, did not show as much interest in a specific kind of Biblically based civil law.