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CEREMONIAL LAW IN CHRISTIAN ETHICS: THE WESTMINSTER
ASSEMBLY'S HERMENEUTIC OF MOSAIC LEGAL RITES

ACADEMISCH PROEFSCHRIFT

ter verkrijging van de graad Doctor of Philosophy
aan de Vrije Universiteit Amsterdam,
op gezag van de rector magnificus
prof.dr. J.J.G. Geurts,
in het openbaar te verdedigen
ten overstaan van de promotiecommissie
van de Faculteit Religie en Theologie
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door

Glenn Edward Dire

Atlanta, Georgia, Verenigde Staten

promotor: prof.dr. H. van den Belt

copromotor: prof.dr. R. Letham

promotiecommissie: prof.dr. W. van Vlastuin

prof.dr. C.H.B. van Dixhoorn

dr. A. Kerlin

prof.dr. A. Walsham

dr. T. Brand

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ABSTRACT

Doctor of Philosophy

Study done through Union School of Theology, Wales in partnership with Vrije Universiteit,
Amsterdam

CEREMONIAL LAW IN CHRISTIAN ETHICS: THE WESTMINSTER ASSEMBLY'S HERMENEUTIC OF MOSAIC LEGAL RITES

Glenn Edward Dire

August 2023

There is a perceived point of contradiction within the 1646 *Westminster Confession of Faith's* paragraph 19.3 concerning the Mosaic Ceremonial Law. This point of contradiction is glaring because of the extreme diligence the Assembly took in crafting every word, sentence and paragraph within the *Confession*. In that paragraph, the Assembly described the Ceremonial Law as being “now abrogated, under the New Testament.” This abrogation is presented to the reader as entire and complete without any provided exceptions or qualifications. Immediately preceding their declaration of a wholesale abrogation, they described these laws as “partly, holding forth divers[e] instructions of moral duties.” The tension in the paragraph lies between their wholesale affirmation of abrogation and their acknowledgment of instructions of moral duties expressed by these laws. Within the chapter, the Westminster Assembly intended the meaning of “moral” as “perpetual.” Therefore, there is a demanded explanation for the perceived contradiction between a system of abrogated case laws and the perpetually obligatory duties associated with them.

A survey of expositions of the *Westminster Confession of Faith* revealed that this topic to date has been grossly ignored. When acknowledged, it is never fully explained according to the deeper hermeneutical understanding of this category of biblical law. Therefore, this thesis appeals to the Assembly members as primary sources to better understand their authorial intent of both phrases and how they harmonized seemingly contradictory statements. In doing so, the Thesis takes an intense investigation into Westminster's systematics and hermeneutics of biblical law. Secondary source documents are also examined to determine if there is doctrinal uniformity in this area with broader Protestantism. The reason is because the *Westminster Confession of Faith* is a Protestant document resulting from the *Solemn League and Covenant* between Scotland and England, demanding a confession of faith in doctrinal accord with the best Protestant confessions then available.

DECLARATION

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree

Glenn Edward Dire

Date

STATEMENT 1

This thesis is the result of my own investigations, except where correction services have been used, the extent and nature is clearly marked in a footnote(s)

Glenn Edward Dire

Date:

STATEMENT #2

I hereby give consent for my thesis, if accepted, to be available for photocopying and for inter-library loan, and for the title and abstract to be made available to outside organizations.

Glenn Edward Dire

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ABBREVIATIONS

- ARP Associate Reform Presbyterian
- BDAG Walter Bauer, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago & London: The University of Chicago Press, 1979).
- BDB F. Brown, S. Driver, and C. Briggs, *The Brown-Driver-Briggs Hebrew and English Lexicon* (Peabody MA: Hendrickson Publishers, 1996).
- CFRG Chad Van Dixhoorn, *Confessing the Faith: A Reader's Guide to the Westminster Confession of Faith* (Carlisle, PA: Banner of Truth Trust, 2014).
- CFCTI John R. Bower, *The Confession of Faith: A Critical Text and Introduction, Principal Documents of the Westminster Assembly* (Grand Rapid, MI: Reformation Heritage Books, 2020).
- CSB Christian Standard Version
- CSV Daniel Cawdrey and Herbert Palmer, *Sabbatum Redivivum: Or The Christian Sabbath Vindicated; in a Full Discourse Concerning the Sabbath, and the Lords Day. Wherein, Whatsoever Hath Been Written of Late for, or against the Christian Sabbath, Is Exactly, but Modestly Examined: And the Perpetuity of a Sabbath Deduced, from Grounds of Nature, and Religious Reason. / By Daniel Cawdrey, and Herbert Palmer: Members of the Assembly of Divines. Divided into Foure Parts. 1. Of the Decalogue in Generall, and Other Laws of God, Together with the Relation of Time to Religion. 2. Of the Fourth Commandement of the Decalogue in Speciall. 3. Of the Old Sabbath, 4. Of the Lords Day, in Particular. The First Part* (London: Printed by Robert White, for Thomas Underhill, and are to be sold at the signe of the Bible in Woodstreete, 1645).
- DS George Walker, *The Doctrine of the Sabbath Wherein the First Institution of the Vveekly Sabbath, with the Time Thereof, the Nature of the Law Binding Man to Keep It, the True Ground, and Necessity of the First Institution, and of the Observation of It, on the Severall Day in the Old Testament, and Also of the Moving of It to the First Day Under the Gospel, Are Laid Open and Proved Out of the Holy Scriptures. Also Besides the Speciall Dueties Necessarily Required for the Due Sanctification Thereof, Those Two Profitable Points Are Proved by Demonstrations Out of Gods Word. First, That the Lord Christ God and Man, Is the Lord of the Sabbath, on Whom the Sabbath Was First Founded...2. That the Faithfull Under the Gospell Are as Necessarily Bound to Keep the Weekly Sabbath of the Lords Day... Deliverd in Divers Sermons by George Walker B. of Divinity and Pastor of St. Iohn Evangelists Church in London* (Amsterdam: Richt Right press, 1638).

EEBO	Early English Books Online
EPC	Evangelical Presbyterian Church
ESV	English Standard Version
FN	Footnote
FPCNA	Free Presbyterian Church of North America
GNV	Geneva Bible, (London: Robert Barker, Printer to the Kings most Excellent Majestie, 1610).
HALOT	L. Koehler and W. Baumgartner, <i>The Hebrew and Aramaic Lexicon of the Old Testament</i> (2 vol. Study Ed., trans. M.E.J. Richardson; Leiden: E.J. Brill, 2001).
JPS	Jewish Publication Society
KJV	King James Version
LCCTI	John R. Bower, <i>The Larger Catechism: A Critical Text and Introduction</i> , Principal Documents of the Westminster Assembly (Grand Rapid, MI: Reformation Heritage Books, 2010).
LGR	John Maynard (Mainard), <i>The Law of God Ratified, By the Gospel of Christ: Or, The Harmony of the Doctrine of Faith, with the Law of Righteousness. Wherein, Many of the Types and Rites of the Ceremonial Law Are Unfolded: And the Moral Law Adjusted a Rule of Holy Living to All, Though Justified by Faith. As It Was Delivered in Several Sermons, Preacht to the Parochial Congregation of Mayfield in Sussex, by Mr. Mainard Late Rector Thereof, Publisht since His Death</i> (London: Printed for Francis Tyton at the Sign of the three Daggers in Fleetstreet, 1674).
LXE	LXX English Translation
M&P	Chad Van Dixhoorn, <i>The Minutes and Papers of the Westminster Assembly 1643-1652</i> , 5 vols. (Oxford: Oxford University Press, 2012).
NAS	New American Standard
NIV	New International Version
NKJ	New King James
OED	Oxford English Dictionary
OPC	Orthodox Presbyterian Church
PCA	Presbyterian Church in America

PCUSA	Presbyterian Church of the United States of America
RPCNA	Reformed Presbyterian Church of North America
RSV	Revised Standard Version
SOED	<i>The Shorter Oxford English Dictionary on Historical Principles</i> (3 rd ed., Oxford: Clarendon Press).
SPT	Johannes Polyander et al., <i>Synopsis Purioris Theologiae, Synopsis of a Purer Theology: Latin Text and English Translation: Disputations 1-23</i> , ed. Dolf te Velde et al., trans. Riemer A. Faber, 3 vols., Studies in Medieval and Reformation Traditions 187 (Leiden, Netherlands: Brill, 2015).
TBCF	Samuel Bolton, <i>The True Bounds of Christian Freedom: Or a Treatise Wherein The Rights of The Law Are Vindicated, The Liberties of Grace Maintained, And the Severall Late Opinions against the Law Are Examined and Confuted. Whereunto Is Annexed a Discourse of the Learned Iohn Camerons, Touching the Threefold Covenant of God with Man, / Faithfully Translated, by Samuel Bolton Minister of the Word of God at Saviours-Southwark</i> (London: Printed by F. L. for Philemon Stephens, at the Golden-Lion in Pauls Church-yard, 1645).
TGELNT	Joseph A. Thayer, <i>Thayer's Greek-English Lexicon of the New Testament</i> (Grand Rapid, MI: Baker Book House, 1990).
TWOT	R. Laird Harris, Gleason L. Archer, Jr., Bruce K. Waltke, <i>Theological Wordbook of the Old Testament</i> (2 vol. Chicago: Moody Press, 1980).
VL	Anthony Burgess, <i>Vindiciae Legis: Or, A Vindication of the Morall Law and the Covenants, From the Errours of Papists, Arminians, Socinians, and More Especially, Antinomians</i> . (London: James Young, for Thomas Underhill, at the Signe of the Bible in Wood-Street, 1647).
YLT	Young's Literal Translation

CHAPTER 1: INTRODUCTION

The Historical Context

The *Westminster Confession of Faith* is a seventeenth-century ecclesiastical confession drafted in England during her civil war. The 120 men originally summoned in 1643 by Parliament to form the Assembly were some of England's brightest theological lights. Because Parliament had dissolved the national church; there was no established governing church in England at the time of their calling. Consequently, the Assembly was purely a civil synod under Parliament's authority who first charged them with rewriting the *Thirty Nine Articles of the Church of England*. This initial task was never completed. Ten weeks into their work, England's civil war and Parliament's need for Scotland's military assistance against Charles I resulted in recommissioning the Assembly. Their new commission was to draft a confession in accord with the reformed church at large throughout Europe. This new charge was the result of the *Solemne League and Covenant* that Scotland forced England to sign before they would supply military assistance. This leverage came from the covenant's requirement for uniformity, which, if signed, would unite Scotland and England in the war against Charles I but also required further religious reform in England.¹ Therefore, the first stipulation sworn to within the *Solemn League and Covenant* was doctrinal uniformity with the Scottish church according to the example of the best Reformed confessions. As the document stated,

That wee shall sincerelie, reallie, and constantlie, through the Grace of GOD, endeavour in our severall places and callings, the preservation of the Reformed Religion in the Church of Scotland in Doctrine, Worship, Discipline, and Government, against our common Enemies, *The Reformation of Religion in the Kingdomes of England and Ireland, in Doctrine, Worship, Discipline, and Government, according to the word of GOD, and example of the best Reformed Churches*; And shall endeavour to bring the Churches of God in the three Kingdomes, to the nearest conjunction and Uniformity in Religion, Confession of Faith, Form of Church-Government, Directory for Worship and

¹ W. D. J. McKay, "Scotland and the Westminster Assembly," in *The Westminster Confession into the 21st Century*, vol. 1 (Scotland: Christian Focus Publications, 2003), 213–45, especially 213–22.

Catechizing; that wee, and our posteritie after us, may as Brethren, live in Faith and Love, and the Lord may delight to dwell in the midst of us.²

This article's goal was to ensure England's reformational endeavors were done "according to the word of God, and example of the best reformed Churches."³ Those actions included the Assembly's efforts to draft a new confession for England and, hopefully, all three kingdoms. As a result, the eleven Scottish Commissioners sent to attend the Assembly arrived with this primary goal clearly in mind.⁴

A Compromised Confession

Parliament's agreement to the task of writing another confession necessitated two characteristics concerning the new confession. First, *its doctrines must accord with those in confessions of the broader Reformed Church*. Secondly, this new confession would be a *compromised document*. As used here, the word compromised in no way conveys the idea of deficient but rather a consensus of agreement brought about by conscientious compromises by assembly members on lesser points of disagreement to hold higher truths agreed on by all or the vast majority. The *Westminster Confession of Faith* as a compromised document is attested to by the fact that a single confessional document resulted from nearly two hundred men's labors in four years.

A Completed Task

The achievement of the stated goal of uniformity with the Reformed churches is attested by two means. Scotland replaced their reformed national confession with the *Westminster Confession* upon Parliament's release and the Scottish church's approval in 1647. The English Parliament did not approve the *Confession* until the following year, in June of 1648, and only

² *A Solemn League and Covenant, for Reformation; and Defence of Religion, the Honour and Happiness of the King, and the Peace & Safetie of the Three Kingdoms. Of Scotland, England, & Ireland* (Aberdeen: Imprinted by Edw: Raban: and are to bee sold at his shop, at the end of the Broadgate, 1643). (emphasis additional)

³ Ibid.

⁴ The eleven Scottish Commissioners who attended can be distinguished by the four *Scottish ministers*: Robert Baillie, George Gillespie, Alexander Henderson, and Samuel Rutherford and the seven *Scottish elders* (or "peers and gentry"): Archibald Campbell, marquess of Argyll; John Elphinstone, second Lord Balmerino; Charles Erskine of Alva; John Maitland, earl of Lauderdale; Archibald Johnston, Lord Wariston; John Campbell, first earl of Loudoun; and George Winram of Liberton, Lord Liberton. Chad Van Dixhoorn, *M&P*, vol. 1, Appendix 2, 170, 175.

after some minor changes. Secondly, Robert Baillie, a Scottish Commissioner sent to ensure uniformity, wrote to his cousin, William Spang, on January 26 of 1647, stating,

I have made my report in the Commission of the Church to all their contentment; so farr as concerned us the Commissioners of the Church; for, by God's blessing, the four points of Uniformitie, which wes all our Church gave us in commission to agent in the Assemblie at Westminster, were also good as obtained.⁵

Therefore, according to the Scottish commissioners and the Scottish church, the *Solemn League and Covenant's* demands of the Assembly were adequately met concerning the newly drafted confession of faith.

Samuel Bolton's Curious Assertion

In 1645, when laboring as a Westminster Assembly member, Samuel Bolton published a book entitled *The True Bounds of Christian Freedome*.⁶ Like many books by assembly members, this one was sent to the printer while the Assembly was about its work of producing the new confession and two catechisms. Within his book, Bolton made a curious assertion about God's law and the theological climate of the day concerning it. Having delineated the tripartite division of biblical law into "all the Laws Morall, Ceremoniall, and Judiciall," Bolton immediately stated,

Now all the controversie lies in this last [use], the law as it is taken for the Morall, Judiciall, Ceremoniall Law: and yet in *two of* them we find more clearenesse of agreement: the great difficulty is of the first [the Moral].⁷

Bolton then moved to briefly distinguish the Ceremonial and Judicial Law. Having qualified them, he again stated, "But in these two we find few dissenters. All the controversie will be in the third [moral]."⁸

Bolton affirmed the well-received tripartite distinction of law as moral, ceremonial, and judicial in both quotations. He also emphasized that "all the controversie," in that day, was with the Moral Law and not the other two.⁹ Because Bolton made these statements before the

⁵ Robert Baillie, *The Letters and Journals of Mr. Robert Baillie, A.M. Principal of the University of Glasgow*, vol. 3 (Edinburgh: Printed for Robert Ogle, 49 South Bridge, 1842), 2.

⁶ Samuel Bolton (1606-1654), *TBCF*, 71.

⁷ *Ibid.*, 71.

⁸ *Ibid.*, 72.

⁹ *Ibid.*, 71, 72.

Assembly's debates on God's law, one wonders if after those debates he wished he had not prematurely made such a claim. That difficulties existed in all three legal corpora is made evident by the minutes of the Assembly and writings of its members.

Westminster formally addressed the topic of law once assigned to the third standing committee on Tuesday, November 18, 1645.¹⁰ Although this third committee was the weakest of the three, it boasted such men as Simeon Ashe, Anthony Burgess, Francis Cheynell, Thomas Gataker, John Maynard, Matthew Newcomen, William Spurstow, and Thomas Temple.¹¹ On Monday morning, January 12, 1646, a select committee was appointed to help determine "the meaning of the description of ceremonial and judicial." If uniformity existed among divines on these two legal corpora, then why was a special committee formed? The reason is more evident when one realizes that on February 9, 1645, eleven months before the calling of this special committee, a debate developed amidst the Assembly's discussion of Christian Liberty. That debate concerned "the ceremoniall & judiciall lawes abrogation."¹² The impact of that earlier debate is now brought to the forefront of discussion as the topic of law comes under full investigation. The unresolved arguments and concerns voiced eleven months earlier were no longer avoidable and the extent of inaccuracy in Bolton's premature assertion is coming to light.

In analyzing the special committee called to discuss the Ceremonial and Judicial Law, Sinclair Ferguson conjectured,

[t]he most probable reason for their difficulties over the ceremonial and judicial law is that they themselves were not all of one mind on some of the implications of the continuity and discontinuity of God's covenant and his law."¹³

He continued to argue that the "product of their deliberations was a consensus statement, broad enough to be agreed with by Divines who held somewhat different views of the contemporary applications of the Mosaical judicial laws."¹⁴ Ferguson's remarks highlight that a question

¹⁰ Van Dixhoorn, *M&P*, vol. 3, 710. According to the minutes, members were divided equally into three standing committees from the outset. *Ibid.*, vol. 1, Appendix 4, 179.

¹¹ *Ibid.*, vol. 1, 183-84.

¹² *Ibid.*, vol. 3, 750.

¹³ Sinclair B. Ferguson, "An Assembly of Theonomists? The Teaching of the Westminster Divines on the Law of God," in *Theonomy: A Reformed Critique*, ed. William S. Barker and W. Robert Godfrey (Grand Rapids, MI: Academie Books, 1990), 319-20.

¹⁴ *Ibid.*, 320.

existed concerning the abrogation and perpetuity of the judicial laws or as Ferguson stated it, their “continuity and discontinuity.”¹⁵

Ferguson’s conclusion may be somewhat accurate, but any assumption that complete agreement existed concerning the Ceremonial Law is quickly dispelled on five accounts. First, the minutes listed the ceremonial and judicial laws as an issue to be resolved by the select committee. Secondly, there was no definitional uniformity of the word *ceremonial*. Assembly members Daniel Cawdrey and Herbert Palmer listed at least three meanings among theologians.¹⁶ Their entire 384-page treatise strove to clarify and correctly apply definitions and distinctions between the Ceremonial Law and the Moral Law concerning the Fourth Commandment. Thirdly, the division between laws classified as *ceremonial* and those classified as *judicial* was not as clear-cut as some believe. Even Cawdrey and Palmer readily admitted,

It is hard to give any such exact description either of Ceremoniall or Judiciall Lawes, as shall neither be too scanty, so as to leave out none of that kind, nor yet interfere with the other kind: And harder perhaps to find any Judiciall (proper to the Jewes) which had not somewhat of Ceremoniality in it. But we will endeavour to difference them as distinctly as we can.¹⁷

Their words acknowledge the lack of precise division one may claim concerning some of these laws. As they admitted,

though we believe sundry Judicialls had some Typicallnesse in them (as was toucht before) and so were partly Ceremoniall; yet to rank them and the Typicalls both equally under the term of Ceremoniall, we think, is a little too much to confound things different.¹⁸

Fourthly, the Antinomian controversy included within its repertoire of beliefs the idea that the Sabbath was abolished. Such views spawned many treatises on the topic. The reason for singling out this one commandment among the Decalogue was that it possessed what many theologians referred to as *positive* aspects. Among these positive aspects are the changing of the day and the quantity of time.¹⁹ Some theologians commonly referred to these positive aspects as

¹⁵ Ibid., 320.

¹⁶ Daniel Cawdrey, (1588-1664) and Herbert Palmer (1601-1647), *CSV*, 5-6.

¹⁷ Ibid., 4.

¹⁸ Ibid., 6.

¹⁹ The word *positive* must be understood in context and therein qualified. *Positive* could mean *mutable*, *changeable*, or *temporal*. When used in the context of a law God instituted, it is understood as *Moral-positive* as opposed to *Moral-natural*. A *Moral-natural* law was perceived as immutable or unchangeable even by God either because the law is derived from God’s own immutable nature or because it is a law he has embedded perpetually in

ceremonial. As a result of this terminology, confusion arose when others spoke of the Ceremonial Law’s abrogation. By describing the change of day as *ceremonial* instead of *positive*, some believed the Fourth Commandment was entirely abolished, leaving only nine commandments, if any.²⁰ Therefore, much theological debate took place during this time to refute the misunderstandings concerning the mixed nature of the Fourth Commandment while defending its moral essence.²¹

It must be emphasized that the historical context in which the Assembly debated and drafted chapter 19 of the *Confession* was amidst their intense struggle against Antinomianism. While the English Parliament was summoning together the Westminster Assembly in 1643,

Natural Law. A Moral-positive law was solely derived from God’s will rather than his nature and therefore it could be altered or abrogated, but only by God. These distinctions will be addressed in greater detail in chapter four and the importance of this distinction for this thesis cannot be overstated.

²⁰ “And when those prophane opinions, and licentious doctrines came up against the Sabbath Day; did not all learned and sound men look upon it as taking away one of the Commandments?” Also, “The Antinomians do more fall against this Text then any, in that they do not only by doctrine teach the dis-obligation of the least commandement, but of all, even of the whole Law.” Anthony Burgess, (d.1664), *VL*, 170, 276. The reader is also referred to a letter by Archbishop James Ussher, who, though invited to the Westminster Assembly, did not attend, and was influential upon many of its members such as William Twisse. In a letter by Ussher, which was republished along with several others concerning his views on the Sabbath, he stated against Dr. Heylins’ recently published book on the Sabbath, that “[H]ee that would confound the ten Commandments (whereof this must be accounted for one, unlesse he will leave us but nine) with the Articles of the faith, he had need be put to learn his Catechisme again:” James Ussher (1581-1656), *The Judgement of the Late Arch-Bishop of Armagh and Primate of Ireland 1. Of the Extent of Christs Death and Satisfaction &c, 2. Of the Sabbath, and Observation of the Lords Day, 3. Of the Ordination in Other Reformed Churches: With a Vindication of Him from a Pretended Change of Opinion in the First, Some Advertisements upon the Latter, and in Prevention of Further Injuries, a Declaration of His Judgement in Several Other Subjects / by N. Bernard* (London: Printed for John Crook, 1658), 98. Comp. Martin Chemnitz, *Chemnitz Works*, trans. Jacob A. O. Preus, vol. 8 (St. Louis, MO: Concordia Pub. House, 2008), 622.

²¹ Cf. Cawdrey, *CSV*, William Gouge (1578-1653), *The Sabbaths Sanctification Herein I. The Grounds of the Morality of the Sabbath, II. Directions for Sanctifying It, III. Proofs That the Lords Day Is the Christians Sabbath, IIII. Aberrations about the Sabbath, V. Motives to Sanctifie the Sabbath / by W.G.* (London: Printed by G. M. for Joshua Kirton, and Thomas Warren, 1641). Thomas Sheperd (1605-1649), *Theses Sabbaticæ. Or, The Doctrine of the Sabbath Wherein the Sabbaths I. Morality. II. Change. III. Beginning. IV. Sanctification. Are Clearly Discussed. Which Were First Handled More Largely in Sundry Sermons in Cambridge in New-England in Opening of the Fourth Commandment. In Unfolding Whereof Many Scriptures Are Cleared, Divers Cases of Conscience Resolved, and the Morall Law as a Rule of Life to a Believer, Occasionally and Distinctly Handled. By Thomas Shepard, Pastor of the Church of Christ at Cambridge in New-England* (London: printed by T[homas]. R[atcliffe]. and E[dward]. M[ottershed]. for John Rothwell at the Sun and Fountaine in Pauls Church-yard, 1649). John Lawson, *For the Sabbath Briefe and Some New Argyments in the New Testament : 1. There Is a Sabbath ... in the New Testament, 2. The First Day of the Weeke Is That Sabbath, 3. The Night of That First Day Followeth the First Day, Ergo the Sabbath and Every Other Day Beginneth in the Morning, 4. The Seventh Day Is Not Now Any Sabbath* (London: Printed by J.L. for Christopher Meredith, 1644). Richard Bernard (1568-1641), *A Threefold Treatise of the Sabbath Distinctly Divided into the Patriarchall, Mosaicall, Christian Sabbath : For the Better Clearing and Manifestation of the Truth ... / by Richard Bernard* (London: Printed by Richard Bishop for Edward Blackmore ..., 1641). John Wallis (1616-1703), *A Defense of the Christian Sabbath. Being a Rejoinder to Mr. Bampfield’s Reply to Doctor Wallis’s Discourse Concerning the Christian-Sabbath / by John Wallis, D.D. and Professor of Geometry in the University of Oxford* (Oxford: Printed by L. Lichfield, for Thomas Bennet, at the Half-Moon in St.Paul’s Church-Yard, 1694).

Antinomianism increased its subversion throughout England, especially in London.²² The severity of the Antinomians' impact on England and the depth of concern within the Reformed Church, were not fully comprehended until Chad Van Dixhoorn's rediscovery of a portion of John Lightfoot's journal covering the first forty-four sessions of the Assembly.²³ This journal contains the only extant source for those first forty-four sessions, which help convey the breadth and urgency of addressing the Antinomian threat.²⁴ Within Lightfoot's notes is the record of a letter "from divers Gentlemen in Kent" who desired assistance from the Assembly "to helpe them to honest and able ministers to supply the places [of] divers malignant ones."²⁵ The letter naming 24 such malignant men was received in the Assembly Thursday, August 10, 1643, and prompted sending a petition against the Antinomians to the House of Commons that same morning. The complaint listed nine men and five books along with the following urgent statement:²⁶

That the Honourable Houses of Parliament having directed the Assembly of Divines and others now sitting to vindicate and cleere the 10 first Articles of Religion[,] In Pursuit wherof the Petitioners doe find so many false opinions of dangerous consequence against the 7th Article especially, which by Preaching, Printing & by other waies are daily

²² The word Antinomian is a composite of two Greek words *anti* (against) and *nomos* (law), thus a literal meaning in a theological context refers to *one who is against the law of God*. The debates were more complex than the term suggests. For further reading on the Antinomians, see Whitney G. Gamble, *Christ and the Law: Antinomianism at the Westminster Assembly*, (Grand Rapids: Reformation Heritage Books, 2018) and Robert S. Paul, *The Assembly of the Lord: Politics and Religion in the Westminster Assembly and the 'Grand Debate'* (Edinburgh: T. & T. Clark, 1985), 176-182. Robert Letham listed Antinomianism along with other "distinctive teachings" of Rome, Lutheranism, Anabaptism, Arminianism, and Amyraldianism which the Assembly considered as outside the bounds of acceptable doctrine. Robert Letham, *The Westminster Assembly: Reading its Theology in Historical Context*, (Phillipsburg, NJ: P & R Publishing, 2009), 117-119. Comp. J. V. Fesko, *The Theology of the Westminster Standards: Historical Context and Theological Insight*, (Wheaton, IL: Crossway, 2014), 54-55.

²³ Chad Van Dixhoorn related in an email to this author on March 4, 2020, that he found them in 2001 or possibly a little earlier. Van Dixhoorn transcribed this section of the journal in volume two of his Cambridge Ph.D. thesis in 2004.

²⁴ In *M&P* vol. 2, Van Dixhoorn began his transcription of the Assembly's minutes starting with session 45 on August 4, 1643. His introductory remarks on this 45th session state, "The surviving minutes begin abruptly with the second part of a debate over the fourteenth of the Thirty-nine Articles." Van Dixhoorn, *M&P*, vol. 2, 31. Whitney Gamble referred to Lightfoot's journal of the first forty-four sessions as being "the sole record of the assembly's first forty-four sessions." Gamble, *Christ and the Law*, 6.

²⁵ The phrase "to honest and able ministers" meant they were asking for help in supplying, examining, equipping, and holding accountable ministers of the Gospel to doctrinal purity and soundness. According to page 19, "many hundreds in Kent" sent a similar petition before this one that was received on Tuesday, August 1, 1643, also asking the Assembly "for a supply of able & honest ministers." Chad Van Dixhoorn, "Reforming the Reformation: Theological Debate at the Westminster Assembly 1643-1652," vol. 2, (Cambridge, Cambridge University, 2004), 19, 25, (Greenville Presbyterian Theological Seminary).

²⁶ *Ibid.*, vol. 2, 27-28.

Published and dispersed abroad in very many places of the kingd[ome][,] but chiefly in and about the city of London[,] that unlesse some speedy Course be taken therein by your wisdom and authority, they will soone draw millions of soules to cast off the whole morall law of God, and pervert the most fundamentall [*fo. 14v*] Doctrines of free grace, justification by faith in Christ & of sanctification[,] & to turne all into confusion[,] they having gained many well affected but ignorant people to imbrace their pernicious doctrine[,] whereupon we hold it our duety to give this timely notice therof[.]²⁷

Although the designation *Antinomianism* intimates disregard for the law, its teaching touched various “fundamentall Doctrines” concerning the Reformed faith.²⁸ It stirred debates on justification, sanctification, adoption, imputation, Christ’s mediatorial intercession, and divine chastisement in the believer’s life, just to name a few.²⁹ Therefore, Antinomianism as a backdrop to the Assembly’s debates on law and Christian liberty must not be underestimated or ignored when examining influences on the *Westminster Confession’s* final form and language.

Regardless of how consequential these other doctrinal matters were impacted by Antinomianism; the common denominator was some distortion of the law. Therefore, Lightfoot, Edmund Calamy, Herbert Palmer, Thomas Hill, and Jeremiah Whitaker were chosen as part of a sub-committee (i.e. “ad hoc” committee) assigned to question the Antinomian proponents inside the Star Chamber.³⁰ In response to what the Assembly perceived as a dangerous threat to both

²⁷ Ibid., vol. 2, 26. See a copy of the Petition in Van Dixhoorn, *M&P*, vol. 1, 22-23. On Wednesday, September 20, 1643, the Assembly listed for Parliament, seven reasons why Parliament must take swift action against the Antinomians. The following Friday, September 22, 1643, having that day, compared Antinomianism against the 39 Articles of England, they listed an additional eight actual and potential consequences arising from their “damnable doctrine.” Ibid., 92-94.

²⁸ Ibid.

²⁹ The reader is referred to the heresiographer Thomas Edwards, who in 1646 printed his *Gangreana*, which listed 176 errors, heresies, and blasphemies that had appeared in sermons, tracts, books, etc. over the previous four years in England. Thomas Edwards, (1599-1647), *The First and Second Part of Gangræna, or, A Catalogue and Discovery of Many of the Errors, Heresies, Blasphemies and Pernicious Practices of the Sectaries of This Time, Vented and Acted in England in These Four Last Years Also a Particular Narration of Divers Stories, Remarkable Passages, Letters : An Extract of Many Letters, All Concerning the Present Sects : Together with Some Observations upon and Corollaries from All the Fore-Named Premisses / by Thomas Edwards ...* (London: Printed by T.R. and E.M. for Ralph Smith, 1646). Cf. Gamble, *Christ and the Law*, 2, 6; Samuel Rutherford, *A Survey of the Spirituall Antichrist Opening the Secrets of Familisme and Antinomianisme* (London: Andrew Crooke, 1648).

³⁰ Van Dixhoorn, *Reforming the Reformation*, vol. 2, 32-33. Others were added to the committee or formed further sub-sub-committees at a later time in response to Parliament’s request. This particular committee was comprised of several of the original men (Calamy, Palmer), plus Daniel Featly, Thomas Temple, Lazarus Seaman, Thomas Gataker, Francis Cheynell, Charles Herle, and Thomas Goodwin. Ibid., 76. There were more than two hundred of these ad hoc committees. Van Dixhoorn, *M&P*, vol. 1, 22. Cf. Paul, *Assembly of the Lord*, 180-81 for lists of men also added at other times. Paul surmised that “it would almost have been simpler to have made the Committee on Antinomianism a Grand Committee of the whole Assembly.” Ibid.

church and state, it should be no surprise that great pains were taken in the Assembly's wording of chapter nineteen of the *Westminster Confession of Faith* entitled *Of the Law of God*.³¹

A fifth indicator is that as with the Judicial Law in 19.4, the *Confession* also alludes to a perceived continuity and discontinuity associated with the Ceremonial Law in paragraph 19.3. They spoke of those laws being “now abrogated under the new Testament” but also referred to them as “holding forth divers(e) instructions of moral duties.”³²

Beside this Law, commonly called Moral, God was pleased to give to the people of Israel, as a Church under age, Ceremoniall Laws containing severall typical Ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits; *and partly, holding forth divers instructions of moral duties*. All which Ceremonial Laws are now abrogated, under the new Testament.³³

As used in chapter nineteen of the *Confession*, moral denotes a *perpetual, universal binding force*. This meaning is borne out in paragraph five of the same section, which states, “[t]he Moral Law doth *for ever binde all*, as well justified persons as others, to the obedience thereof.”³⁴ They go into detail to explain that the “justified” (“true believers”/“regenerate” 19.6) are still bound by it and that Christ has not in “any way” dissolved it, “but much strengthen this obligation.”³⁵ Paragraph seven added that the Moral Law is not contrary to the gospel but rather does “sweetly comply with it” and that it is the “Spirit of Christ” working within those believers enabling them to “freely and chearfully” do what that law “requireth to be done.”³⁶ To see the same definitional understanding of moral espoused, one could also turn to the *Westminster Larger Catechism*. Following question 93, where Moral Law is defined, question 94 affirms the Moral Law is of “great use” to both the unregenerate and the regenerate. In addition, question 95 asks,

Q. 95. Of what use is the Morall Law to all men? A. The Morall Law is of use to all men, to inform them of the holy nature and will of God, and of their duty, binding them to walk accordingly; to convince them of their disability to keep it, and of the sinfull pollution of their nature, hearts, and lives; to humble them in sense of their sin and

³¹ The entire nineteenth chapter is reproduced in Appendix A for further review. The critical edition of John R. Bower is used throughout this thesis unless otherwise noted. Bower, *CFCTI*, 217.

³² *Ibid.*, 19.3. The English word *diverse* was commonly spelled *divers* in the mid seventeenth century.

³³ *Ibid.* (emphasis additional).

³⁴ *Ibid.*, 19.5. (emphasis additional).

³⁵ *Ibid.*

³⁶ *Ibid.*, 19.7.

misery, and thereby help them to a clearer sight of the need they have of Christ, and of the perfection of his obedience.³⁷

In these comparative texts, a moral precept's binding force is presented as *universal and perpetual* continuing throughout the present gospel age.

Thesis

Therefore, by describing the Ceremonial Law as holding forth instructions of *moral* duties, these duties must *presently* have a binding force associated with them and bear some moral connection to that corpus of law classified as Moral Law. It is incumbent to understand in what sense these laws were understood as abrogated yet still possessing a perpetual quality whether by instruction or obligation. Beginning there, other questions emerge like: what parameters dictated their classifications of the different legal corpora in Scripture? How did they identify and differentiate between statutory elements considered abrogated and those considered as moral duties? What is the source of moral duties found within abrogated ritual precepts? Lastly, was there an unstated yet understood hermeneutic with this legal corpus assumed in the confessional statement? In an attempt to answer these questions, this thesis seeks to *harmonize Westminster's abrogation and perpetuity within Ceremonial Law according to their systematics and hermeneutics of biblical law, especially regarding their phrase "partly holding forth divers instructions of moral duties."*³⁸

Research Field

Since it was authored, the phrase "and partly, holding forth divers instructions of moral duties" has suffered gross negligence by commentators on the *Confession*. Naturally, one would first expect it to be explained in confessional expositions since the phrase is only found in the *Confession* and not in Westminster's catechisms. Treatments of the phrase in 19.3 within these

³⁷ Bower, *LCCTI*, Q. 94-95, p. 84.

³⁸ By authorial intent includes the idea that the *Confession* was a compromised document derived from the exhaustive deliberative process of debate leading to a consensus of truth agreed upon by the assembly and replicated in the words and phrases set forth in the *Confession*. This position in no way negates the idea that there were other concepts and beliefs concerning the doctrine that were valid, well-known, or even run contrary to what is stated in the *Confession*. Yet, *what is stated becomes the primary focus* with the men responsible for authoring it, and their logic of biblical support. Authorial intent is much easier to ascertain in one sense when there is only one author and a single work (though not always the case). When there are over one hundred and fifty authors, and many hundreds of documents, this challenge becomes herculean in some ways (unless one stumbles upon an appropriate text at the beginning of the investigation, which is not the case here).

commentaries are divided into three categories: 1) those that wholly ignore the phrase, 2) those that acknowledge the phrase, but simply restate it, 3) and those that provide an incomplete explanation.

Westminster's *Larger* and *Shorter* catechisms only treat the Moral Law. Nevertheless, when expounding Westminster's view of Moral Law, some catechetical expositors do touch the Ceremonial and Judicial Law. Sadly, the inquisitor seeking a clear explanation of the phrase among this vast collection finds nothing to satisfy. The typical approach when commentators addressed the issue was to affirm that Ceremonial Law typified Christ's person and work but are now abrogated. Consequently, modern scholars in this field readily admit that this area has been left untouched.³⁹

One expositor of the *Confession* broke with the tradition and went beyond a mere restatement and provided an explanation. That expositor is Chad Van Dixhoorn, and his attempt is greatly appreciated for its example.⁴⁰ Van Dixhoorn referred to these moral duties as sins one is to avoid. As he stated,

These rituals portrayed the damaging effects of the sin we should seek to avoid. During the celebration of the Passover, for example, the Israelites were to avoid yeast or leaven in their bread. Paul explains that this was to remind them that just as leaven spreads through a loaf of bread, so sin spreads and swells through the whole person (*1 Cor. 5:7*). Ceremonies about unclean things and foods were to teach God's people that they were not to live in the same way as the rest of the world (*2 Cor. 6:17*). And Jude lets us see that even dirty clothes were to remind people of the filth of sin (*Jude 23*).⁴¹

Two remarks concerning Van Dixhoorn's exposition are worth noting up front. First, he divided the ceremonial ordinances into two categories: "worship" and "moral duties."⁴² His division is derived from the dual use of the word "partly" in the paragraph, which he took to mean the ceremonial ordinances were of two types: part of them concerned "worship" while the other part

³⁹ Conversations with Robert Letham and Chad Van Dixhoorn affirmed what a personal survey of expositions of the Westminster standards had demonstrated. Letham admitted that to date there is no original research in this area of study.

⁴⁰ Van Dixhoorn, *CFRG*, 243-45. While writing the last chapter, this author came across a commentary first published in 2020 and again in 2022 by Linus Chua and J. J. Lim. It appears they followed Van Dixhoorn's model and approach. If this is the case, it is no wonder they made the same conclusion as Van Dixhoorn. Regardless, their comments add nothing beyond the insights of Van Dixhoorn. Linus Chua and J. J. Lim, *The Westminster Confession of Faith with Pastoral Comments*, 2nd ed. (Pilgrim Covenant Church, 2017), 148.

⁴¹ Van Dixhoorn, *CFRG*, 244.

⁴² *Ibid.*

concerned “moral duties.”⁴³ Secondly, he limits the “instructions of moral duties” to sins that must be avoided. Van Dixhoorn mentioned the Passover and avoidance of leaven, signifying sins that spread throughout a person and are to be avoided. He made this connection from the Assembly’s proof-text of 1 Corinthians 5:7, where the Apostle Paul makes this very point. As with the other two examples he provided, one must ask: is the full understanding of the phrase “instructions of moral duties” limited to avoiding sins? If so, how does that conclusion comport with Westminster’s rule of opposites for every command?⁴⁴ Also, do only some of those ceremonies teach moral duties?

Brief Methodology

State of the Art

There has been resurgence in studies on the Westminster Assembly and the documents it produced. Two of the men leading the charge in this field today are Chad Van Dixhoorn and John R. Bower. Van Dixhoorn’s contribution started with his seven-volume Ph.D. thesis from Cambridge in 2004 which included a transcription of Lightfoot’s record of the Assembly’s first forty-four Sessions. Another notable contribution is the five-volume set of *The Minutes and Papers of the Westminster Assembly 1643-1652*, he published in 2012. In addition, he published an exposition of the *Westminster Confession of Faith* reflecting his extensive research and historical knowledge of the Assembly and their biblical doctrine. Each of these works has become a valuable stimulus to this field.

Van Dixhoorn has joined intellectual forces with John R. Bower, and together, they formed the Westminster Assembly Project. The project has three crucial main streams of historical research. First, they created a six book series entitled *Principal Documents of the Westminster Assembly*, focused on producing critical editions of the Assembly’s six primary documents. In 2010, Bower’s work on the *Westminster Larger Catechism* became the first. In 2020 they released a critical text of the *Westminster Confession of Faith* which, unlike S. W. Carruthers’s published in 1937, includes a focus on punctuation. Critical editions of

⁴³ Ibid.

⁴⁴ “That, as, where a duty is commanded, the contrary sin is forbidden; and, where a sin is forbidden, the contrary duty is commanded: so, where a promise is annexed, the contrary threatening is included; and, where a threatening is annexed, the contrary promise is included.” *WLC* Q. 99 (rule #4). All quotations of the Westminster Larger Catechism are taken from Bowers, *LCCTI* unless otherwise noted.

Westminster's *Shorter Catechism*, *The Directory for Public Worship*, *The Directory for Church Government*, and *The Psalter* will hopefully soon be added.

Secondly, Van Dixhoorn and Bower are editors of another series under the Westminster Assembly Project entitled *Studies on the Westminster Assembly*, focusing on members of the Assembly and the ideas they promoted. To date, there are only five books in this series. The first was published in 2013 and the last in 2018. Thirdly, these two men created the Westminster Assembly Project online (westminsterassembly.org). The website seeks to list and transcribe all the assembly members' published writings. The site is always under revision as new texts are transcribed and added for further research.⁴⁵

Along with Van Dixhoorn and Bower's efforts, others have recently published books on the *Westminster Confession of Faith*. Two of note are books by Robert Letham and J. V. Fesko. Letham's book, *The Westminster Assembly: Reading Its Theology in Historical Context*, published in 2009, is part of the Westminster Assembly and the Reformed Faith series.⁴⁶ Fesko's book, published in 2014, is entitled *The Theology of the Westminster Standards: Historical Context and Theological Insights*.⁴⁷ Both of these works take seriously the historical and theological context in which the writing of the *Confession* took place. Also of note is the three-volume compilation of essays entitled *The Westminster Confession of Faith into the 21st Century* edited by Ligon Duncan. Its goal is to devotionally and pastorally introduce the Assembly's historical and theological views to a broader audience.⁴⁸

Since its publication, there are only five accessible published expositions of the *Westminster Larger Catechism (WLC)*. The first appeared in 1731 by Thomas Ridgley (1667-1734). The Second, written by Johannes G. Vos, was produced initially between 1946 and 1949 as a series of lessons published in the *Blue Banner Faith and Life*. These lessons were later compiled, edited and republished by G. I. Williamson in 2002. The third and fourth expositions

⁴⁵ The site is also connected to Early English Books Online (EEBO), which has, as of 2019, been placed on the ProQuest platform and is much more user friendly.

⁴⁶ Robert Letham, *The Westminster Assembly: Reading Its Theology in Historical Context* (Phillipsburg, NJ: P & R Publishing, 2009).

⁴⁷ J. V. Fesko, *The Theology of the Westminster Standards: Historical Context and Theological Insight* (Wheaton, IL: Crossway, 2014).

⁴⁸ *The Westminster Confession into the 21st Century: Essays in Remembrance of the 350th Anniversary of the Westminster Assembly*, 3 vols. (Scotland: Christian Focus Publications, 2003).

appeared in 2009.⁴⁹ One was written by Joseph C. Morecraft, III and the other by Chuck Baynard. The most recent was published in 2018 by J. J. Lim.

Contemporary expositions of the *Westminster Shorter Catechism* add nothing substantial to the field due to the vast number already in existence. Explanations of the *Shorter Catechism* by far outnumber those of the *Confession* and *Larger Catechism* together. Many of these expositions are early, thorough treatments that set the standard down to this day.⁵⁰

Beginning in the 1977, Greg Bahnsen's work on Judicial Law's general equity rekindled an interest in the Mosaic Law's relevance to contemporary societies.⁵¹ Whether Bahnsen was right or wrong is not the subject of this thesis. Nonetheless, his arguments brought a keen awareness that the Mosaic Judicial Laws possessed both continuity and discontinuity as perceived by the Westminster Assembly.⁵² Bahnsen's work has relevance in part to this thesis for two reasons. First, he claimed his theology was in accord with the *Westminster Confession of Faith*. Secondly, the paragraph from which his argument is drawn immediately follows the one under investigation in this thesis and is therefore, contextually connected with it.

In paragraph 19.4, the *Confession* states the Judicial Laws have "expired together with the State of that people."⁵³ Yet, the sentence claims that a binding force is associated with these precepts going no "further than the general equity thereof may require."⁵⁴ In this one sentence, the Assembly affirmed both abrogation and continuity of certain aspects of the Judicial Law. Bahnsen's work spawned debates over the form and degree to which such continuity is

⁴⁹ The conclusion of five expositions is based on the search made of any and all expositions on this document of which this author was only able to locate five.

⁵⁰ Many new expositions appeared in the Nineteenth Century. This is not surprising when one realizes the number of cults that sprung up during the Nineteenth century. The response to these doctrinal errors may have led many to refocus on the doctrinal landmarks of the Standards that helped guide and anchor the church for so long.

⁵¹ Bahnsen's work entitled *Theonomy in Christian Ethics*, first published in 1977, was the result of a Master of Theology thesis he completed in 1973 at Westminster Theological Seminary. Greg L. Bahnsen, *Theonomy in Christian Ethics*, 3rd ed. (Nacagdoches, TX: Covenant Media Press, 2002).

⁵² Discontinuity and continuity refer to the binding nature of these judicial laws as altered by the New Covenant and the salvific work of Christ in the New Testament. The debates sparked questions of how has Christ's death and resurrection impacted these laws as they pertain to Israel, all humankind, the state, and the believer? Bahnsen's view of "continuity" is addressed in an unpublished article by this author entitled: *Theonomy and Westminster: Continuity vs. Discontinuity*. The information within that article is rooted in the information presented in this thesis.

⁵³ "To them also, as a Body Politique, he gave sundry Judicial Laws, which expired together with the State of that People; not obliging any other now, further than the general equity thereof may require." *WCF*, 19.4.

⁵⁴ *Ibid.*

understood, especially concerning their penal sanctions. This thesis takes up the paragraph previous to the one that so embroiled Bahnsen. Although Bahnsen touched on the Ceremonial Law, it was not his primary focus; therefore, neither Bahnsen nor his critics explored this issue with any depth.

Investigative Approach

This thesis aims to uncover the Assembly’s intended meaning of the phrase without imposing contemporary presuppositions upon it. Therefore, Quentin Skinner’s caution must be applied when he warned the historical investigator must grasp “the meaning of what they said” and “at the same time to understand what they meant by saying it.”⁵⁵ This concept goes beyond the text’s mere lexical/grammatical meaning and seeks to know “what the writers are doing” by writing such a text or phrase the way they did.⁵⁶

Answering this question forces the interpreter to go into the author’s world and discover their motives, arguments, events, writings, etc., that may have moved them to speak in that manner at that particular time. In this way, the historical context plays a vital role in correctly understanding the text. Simultaneously, the investigator must leave behind their presuppositions and seek the author’s motives for saying what was said without engaging in contextual eisegesis. As already discovered, Antinomianism is a significant concern of the coordinated efforts of the Assembly. How this further impacts the Assembly’s writings as they seek to rebuff the spread of this doctrine within England is a critical backdrop for every chapter in this thesis whether stated or unstated.

Six Potential Investigative Avenues

There are six potential avenues of investigation for correctly ascertaining the meaning of their words:

1. The formal minutes of the Assembly
2. Private journals and notes of individual assembly members
3. Confessional comparisons
4. Expositions of the *Westminster Confession* (and Catechisms)
5. Original proof-texts
6. Personal writings of assembly members and Commissioners

⁵⁵ Quinton Skinner, *Visions of Politics*, vol. 1: Regarding Method (Cambridge: Cambridge University Press, 2014), 82.

⁵⁶ *Ibid.*, 83.

Formal Minutes of the Assembly

Sadly, by the time the Assembly debated the chapter on law, the minutes of their deliberations were much abbreviated. According to Van Dixhoorn, there was a

change in record-keeping style, as the scribe quickly decreased the length of his record in volume 3. The first volumes of minutes are invaluable for the detail they provide and the access they give to individual opinion. When one enters volume 3, the assembly's decisions abruptly dominate the record while the voices of individual members are lost in the crowd.⁵⁷

This loss of the members' voices, which reflected their individual opinions, is so silenced that no information can be extracted to understand the phrase's moral connection.⁵⁸ Sinclair Ferguson concluded the same regarding the Judicial Law and its relation to general equity when he stated, "[T]he minutes of the assembly provide minimal access to the issues that especially exercised the Divines in their discussion of the law."⁵⁹ This lack of information may explain why many confessional expositors are so vague in their treatment of the phrase.

Assembly Members' Journals and Notes

The second source is personal journals and notes of the debates by assembly members. Alongside the formal minutes of the meetings, some members made copious personal notes of the deliberations. Robert Ballie, George Gillespie, and John Lightfoot are among those whose writings shed light on the Assembly's debates and proceedings. There is a possible fourth source in this category. Matthew McMahon stated that Thomas Goodwin also produced fifteen volumes of notes on the Assembly, of which "only three rare volumes of that fifteen survive today."⁶⁰ McMahon was unaware of the surviving volumes' location or if public access to them was even possible. According to Richard Muller, these extant volumes are "reportedly, in the Dr.

⁵⁷ Van Dixhoorn, *M&P*, vol. 1, 60.

⁵⁸ A personal investigation has proven the scholarly affirmation of this to be accurate. Both Dr. Robert Letham and Dr. Chad Van Dixhoorn personally affirmed that the minutes of the Assembly would be of no assistance.

⁵⁹ Ferguson, *Theonomy*, 319.

⁶⁰ Matthew McMahon, "A History of the Westminster Assembly," *A Puritan's Mind*, accessed November 1, 2018, <https://www.apuritansmind.com/westminster-standards/a-history-of-the-westminster-assembly-by-dr-c-matthew-mcmahon>. Upon contacting Dr. McMahon on November 1, 2018, via email concerning his source for this information, he could not remember and had failed to cite it in the article. If these three volumes do exist, or any one of them for that matter, it would be a great benefit for this field of research concerning whatever area upon which Goodwin may have written.

Williams Library, London.”⁶¹ On the other hand, Van Dixhoorn stated that “[N]one are extant today.”⁶² If, or until, these volumes are verified to exist, they are a moot point in this investigation.

Robert Baillie was a Scottish commissioner to the Assembly, and his information comes primarily in the form of his written letters rather than minutes of the Assembly’s debates. Being of a personal nature, they deal more with individual concerns and the state of affairs surrounding him as a Commissioner. The edited letters now comprise a three-volume collection done by David Laing, published from 1841 to 1842. The only volume that would coincide with the Assembly’s deliberations on the *Confession* would be volume two, published in 1842.⁶³ As personal letters, one would not expect to find in them a theological treatise on the Ceremonial Law’s moral affiliation.

George Gillespie, also a Scottish Commissioner, was one of the youngest to attend the Assembly. According to David Meek, Gillespie published six volumes, but only two were extant. Meek published both in 1846.⁶⁴ Gillespie’s chief concerns were church government and issues of properly instituted worship. His notes are very detailed concerning the debates and resemble the formal minutes recorded during the Assembly’s earlier sessions. Reading them is like being in the midst of a discussion. The majority reads more like a treatise than minutes. Each man’s name precedes his argument concerning the topic at hand. The dilemma for this thesis is that his notes end in January of 1645. This termination comes before the subject of law was assigned in November of the same year. If Gillespie’s records concerning the debates on

⁶¹ Email correspondence with Richard Muller dated August 4, 2020. This correspondence and search took place during the Coronavirus outbreak and therefore, connection with the Dr. Williams Library was not possible due to its temporary closing. Additionally, there is presently extensive construction in the area and the collections are currently inaccessible.

⁶² Email correspondence with Chad Van Dixhoorn dated August, April 6, 2020.

⁶³ Volume 2 begins with a letter from Alexander Henderson to Baillie dated April 20, 1642, and the last entry is a letter from the Scottish Commissioners while in London dated September 10, 1646. These dates clearly cover the time of the Assembly’s debates on the confession as a whole and the time of particular debates surrounding the chapter on the Law of God. Baillie, *Letters*, vol. 2, 1, 516. It is noteworthy that not every letter is in chronological order.

⁶⁴ George Gillespie, *Debates and Proceedings of the Assembly of Divines and Other Commissioners At Westminster February 1644 to January 1645. By George Gillespie, Minister at Edinburgh, And One Of The Commissioners From Scotland To The Westminster Assembly, 1644*, ed. David Meek (London: Hamilton, Adams and Co., 1846).

law were discovered, and if they are as detailed as the others, they would be invaluable for furthering this field of research.

As already noted, Lightfoot's journal is of particular concern. His early engagement on the sub-committee tasked to question the Antinomians would have encouraged him to record information concerning biblical law. Due to his scholarship in the Old Testament, any reference to the Ceremonial Law of Moses would likewise be of interest to this investigation. Because of thesis limitations, these three men's notes and journals will not be examined separately as a chapter. Instead, they will be referenced as their comments are purposeful to topics addressed throughout the thesis.

Confessional Comparisons

The third source is confessions that used the *Westminster Confession* as their vorlage.⁶⁵ The *Savoy Declaration of Faith and Order* and the *London Baptist Confession* of 1677/1689 are two primary examples.⁶⁶ Confessional comparisons could also go in reverse and seek reformed confessions that were in existence before 1643 and available for the Assembly to use as a reference. Two essential confessions would be the *39 Articles of the Church of England* and the *Irish Articles*.⁶⁷ Both were influential in the final content and form of Westminster's confession. Rather than treat this topic separately, any pertinent information is inserted at the appropriate place.

Expositions of the Westminster Standards

The fourth source of expositions of the Westminster Standards needs some qualifications. First, unless written by an assembly member, these are secondary sources. Therefore, there is less certainty with any conclusions drawn based on secondary writings. One would also want to investigate them by starting with the earliest and then move chronologically to the latest. This approach rests on the theoretical premise that those closest in time to the Assembly should be

⁶⁵ A vorlage is a source text serving as a prototype from which another text is derived. In this sense the vorlage may either be wholly replicated or may serve as a template for the construction of a similar text.

⁶⁶ According to Samuel E. Waldron, the *London Baptist Confession of 1677* was drafted and published anonymously but "after the ascension of William and Mary to the throne of England and the Act of Toleration, the Particular Baptists of England met in open assembly, signed their names to the Confession and republished it for the consideration of the Christian public." Therefore, this thesis will also refer at times to the 1689 edition published after being signed and offered for public scrutiny. Samuel E. Waldron, *A Modern Exposition of the 1689 Baptist Confession of Faith* (Durham, England: Evangelical Press, 1989), 9.

⁶⁷ Cf. Letham, *Westminster*, 62-83.

more prone to possess similar theological tendencies and circumstantial milieu than those farther removed. Therefore, theoretically, more weight might be placed on expositions chronologically closer to 1647 than those of a later date. Either way, surveying the expositions aims to gather clarity and direction for formulating a historical understanding of the phrase by those most familiar with the Standards and the Assembly's theological system.

Original Proof-Texts

The fifth avenue entails evaluating the proof-texts supplied by the Assembly in support of the phrase. Here too, some qualifications and cautions are requisite. First, the *original* proof-texts must be used not later alterations and additions. If the goal is the *Assembly's intent*, then the *Assembly's content* is paramount as a primary source. Secondly, this demands a better understanding of how the Assembly expected others to use their confessional proof-texts.

Personal Writings of Assembly Members

The sixth and final source is to study the personal writings of the assembly members. A study of this magnitude is a massive undertaking in that "as many as 121 ministers" originally received Parliament's ordinance for participation in the Assembly.⁶⁸ Not all who were invited participated and some who did died and were replaced. As a result, from 1643-1653, two hundred and four men "were invited to attend the Westminster assembly in an official capacity."⁶⁹ Their published materials, such as formal treatises, sermons, or pamphlets, all serve as potential sources for this investigation.

The voluminous amount of these sources would take a lifetime to examine and, as a result, could never be exhausted at this time. Therefore, only certain writings were chosen. Some were selected due to their obvious relevance to the topic. These would include such works as sermons on the law, particularly the Ceremonial Law, especially any systematic treatment. Those analytical treatments of Ceremonial Law in particular or biblical law in general, are of specific interest and are limited in number. As with Goodwin and Gillespie, some works are just not available. Regardless, those works investigated were chosen due to subject matter, and as broad a net as permissible was cast for satisfying this goal.

⁶⁸ Van Dixhoorn, *M&P*, vol. 1, Appendix 2, 170.

⁶⁹ *Ibid.*

Five Crucial Primary Sources

Samuel Bolton's *True Bounds*

Some works crucial to this investigation are introduced upfront for the reader's familiarity and demonstration of their importance for this thesis. The same year the topic of law was assigned to the third standing committee (1645), two treatises by three assembly members were published containing treatments of law. The first was Bolton's *True Bounds of Christian Freedom*, which investigated the Moral Law's relationship with the concerns of conscience and Christian freedom.⁷⁰ As for a systematic treatment of law, it is somewhat lacking by design because Bolton's focus was the Moral Law and not the ceremonial and judicial precepts, however, he did touch upon these legal categories as he moved through his treatise.

Daniel Cawdrey and Herbert Palmer's *Sabbatum redivivum*

The second book, co-authored by Daniel Cawdrey and Herbert Palmer, is entitled *The Christian Sabbath Vindicated*.⁷¹ The premise of their work was to defend the morality of the Sabbath against the Antinomians. The value of the treatise is threefold. First, they spend time in the first chapter systematically defining and distinguishing the different legal categories. Then, they hermeneutically apply this system to defend the morality of the Fourth Commandment.

Secondly, this book also contained a forward of recommendation by another assembly member, Charles Herle.⁷² Together, these men provide a three-fold approval to the system of law presented in the book. This manifold affirmation by assembly members increases the validity of any views or conclusions derived from the treatise.

Thirdly, Palmer's early involvement on the sub-committee concerning the Antinomian controversy demonstrates the urgency for such a published work, and it adds greater credibility to his espoused views. Palmer and Herle's active involvement in the Assembly highlights their influence on the Assembly. Palmer gave approximately 390 speeches and was appointed to approximately 80 committees, while Herle's numbered roughly 320 speeches and 90 committee

⁷⁰ The quotations taken from Bolton's treatise are from the original and not the 2001 reprint by The Banner of Truth Trust, wherein are many omissions, one being several pages in length, without notification for the reader. Compare page 28 of the reprint with pages 21-25 of the original.

⁷¹ Cawdrey, *CSV*.

⁷² Van Dixhoorn records Herle, Bolton, and Palmer on the first standing committee and Cawdrey on the second. Van Dixhoorn, *M&P*, vol. 1, 182.

appointments. Palmer and Herle's vast activities placed them within the Assembly's top six most frequent contributors.⁷³

Anthony Burgess's *Vindiciae Legis*

The third work is by Anthony Burgess, the only member of the third committee to produce a known extensive systematic treatise on the law. His book, *Vindiciae Legis*, also referred to as *A Vindication of the Morall Law and the Covenants*, resulted from thirty lectures given in 1646. These lectures were purposely focused on the covenant and the law in opposition to the Antinomian heresy. At the request of "the President and Fellowes of Sion College London," he lectured and subsequently published the book in 1647.⁷⁴

The value of Burgess's book is twofold. First, he sat on the third standing committee as one tasked with drafting chapter nineteen on the law of God. This committee appointment allowed Burgess to participate in those smaller, more private forums of debate before they became the topic of discussion in the plenary assembly. Others were allowed to sit in on smaller committee meetings but only when his assigned committee had reached a quorum, but Burgess's primary concern was the committee debates on law.

Secondly, Burgess' lectures came after all of the chapter's debates and alterations were completed. In contrast, the books of Bolton and Cawdrey/Palmer preceded the Assembly's formal discussions on the law. The systematic agreement between Bolton and Cawdrey's works and that of the Westminster Standards presumes they were influential on the outcome of the *Confession*. Burgess's treatise has the advantage of following the debates and provides a systematic treatment of law from one who participated in all the discussions of biblical law. His lectures and book publication being so close to the completion of the *Westminster Confession*, one may assume that the arguments and propositions were fresh in his mind and reflected in the material presented, debated, and affirmed at the assembly.

William Gouge's *Exposition Of Hebrews*

The fourth work is William Gouge's two-volume, verse-by-verse exposition of the book of Hebrews.⁷⁵ Gouge draws his insightful explications from the Apostle's example of

⁷³ These statistics are taken from Van Dixhoorn, *M&P*, vol. 1, 213.

⁷⁴ Burgess, *VL*, title page.

⁷⁵ William Gouge, *A Learned and Very Useful Commentary on the Whole Epistle to the Hebrews Wherein Every Word and Particle in the Original Is Explained ... : Being the Substance of Thirty Years Wednesdays*

interpreting and applying the Mosaic ceremonial ordinances within the New Testament context. Gouge's treatise consists of more than one thousand Wednesday lectures given over thirty years in Blackfryers, London.⁷⁶ His lectures were the seasoned thoughts of the "Arch-Puritan" who died while completing his commentary on the last chapter.⁷⁷ The exposition portrays the doctrine of a highly esteemed theologian summoned to sit on the Assembly and delegated by Parliament as a contributing author to the *Westminster Annotations on the whole Bible*.⁷⁸

Westminster Annotations on the Whole Bible

The fifth critical primary source is the *Westminster Annotations on the Whole Bible*.⁷⁹ These annotations are the expositional fruit of theologians commissioned by Parliament for this task. If creedal uniformity was expected, then expositional harmony and Scriptural precision were essential. The same hermeneutics and systematics used to formulate Westminster's creedal documents were employed by some of those choice men for drafting a biblical commentary for every book of the Bible. The work boasts the influence of assembly members such as Daniel Featley, Thomas Gataker, William Gouge, John Ley, Edward Reynolds, and Francis Taylor.

Lectures at Black-Fryers, London / by That Holy and Learned Divine Wiliam Gouge ... : Before Which Is Prefixed a Narrative of His Life and Death : Whereunto Is Added Two Alphabeticall Tables .. (London: Printed by A.M., T.W. and S.G. for Joshua Kirton, 1655). The transcribed version from EEBO is 2,678 pages without the marginal notations, list of Greek words used, and contents sections which comprise 444 additional pages. The depth and scope of treatment in this work moved Thomas Gouge to declare, "Yea I am perswaded, and that upon good grounds, that there is scarce a point in Divinity which he handled upon any portion of Scripture in the whole course of his Ministry, but he hath brought the substance of it into this *Commentary*." Ibid.

⁷⁶ See the title and the Epistle to the Reader written by Thomas Gouge, William's son. Ibid.

⁷⁷ William's son Thomas wrote in the Epistle to the Reader of the book, "he lived to finish this Commentary upon the whole Epistle, excepting one half Chapter; the completing whereof though it cost me some time and pains, that it might be answerable to the rest; yet in respect both of its form and matter, it may well be accounted *his own work*. For as being his *Amanuensis* to a great part of the work, I observed his Method, so the matter and substance of that half Chapter I found in his own notes: to which I have added no more, than I thought necessary to make it like the rest." Ibid., Epistle to the Reader. The term *Puritan* in that day was a derogatory remark cast upon those of deep piety and zeal for biblical integrity and worship. Gouge was dubbed the *Arch-puritan* because of his intense piety and love for God's Word.

⁷⁸ Gouge was assigned the books of 1 Kings through Job. He also served on the first standing committee. Van Dixhoorn, *M&P*, vol. 1, 182.

⁷⁹ William Gouge, Thomas Gataker, and et. al., *The Second Volume of Annotations upon All the Books of the Old and Nevv Testament This Third, Above the First and Second, Edition so Enlarged, as They Make an Entire Commentary on the Sacred Scripture, the Like Never before Published in English : Wherein the Text Is Explained, Doubts Resolved, Scriptures Parallel'd and Various Readings Observed / by the Labour of Certain Learned Divines Thereunto Appointed, and Therein Employed, as Expressed in the Preface* (London, 1657).

Secondary Sources

Many secondary sources from among Protestant theologians on the continent are appealed to throughout this thesis. Per the demands of the *Solemn League and Covenant*, Westminster's new confession was to accord with the best Protestant confessions in Europe. Consequently, not only will Protestant confessions at times be referenced, but so will influential works like Calvin's *Institutes*, Bullinger's *Decades*, Ursinus's *Commentary on the Heidelberg Catechism*, Leiden University's *Synopsis of a Purer Theology*, and Junius' *The Mosaic Polity*, just to name a few.⁸⁰ These references demonstrate the unity of the doctrine on law set forth in the *Westminster Confession of Faith* with the broader Protestant Church and also assist in determining the authorial intent of the Assembly's phrase under investigation.

Because the Assembly's minutes offer no assistance, and assembly members' journals will be addressed as needed, the next chapter will take an investigative look at *Westminster Confession of Faith* chapter 19 and the unique literary parallels found in paragraphs three and four on the Mosaic ceremonial and judicial precepts. These five parallels are unique within the *Confession* and assist in forming the structure upon which this Thesis progresses. These intentional parallels have never been highlighted by commentator and yet they set the Ceremonial and Judicial Law apart from the Moral Law. The examination hopefully provides greater insight into the Assembly's theological paradigm.

The tension of abrogation and some abiding moral quality associated with the Ceremonial Law demands an investigative look into the Moral Law. By thoroughly understanding assembly members' beliefs concerning the unique legal corpus of Moral Law, their moral connections of the Ceremonial Law will be more easily perceived. Therefore, chapter three is the first of three investigative chapters on the preeminence of Moral Law. Chapter three examines the events surrounding the giving of the Moral Law and its three divine expressions of Natural Law, Decalogue and Scripture as God's revealed objective moral code for all humanity. Chapter four delves into Moral Law's essence of perpetuity and universality and how these two attributes impact humanity. The nuances held by some assembly members on these two attributes go far

⁸⁰ Bullinger authored the *Helvetic Confession* and addressed the law in his treatise the *Decades*. Ursinus authored the *Heidelberg Catechism* and provided a treatment of the law in his *Commentary on the Heidelberg Catechism*. *The Synopsis of a Purer Theology* is important due to its place in history and purpose for writing. Immediately following the Synod of Dort, the professors of Leiden University determined a clear and thorough compendium of Reformed theology was needed. This compilation of public disputations between the professors and matriculating students became their source for producing such a comprehensive work.

beyond the common understanding. Chapter five examines the Moral Law's role and relationship to the Reformed idea of covenant. The demand of this chapter rests on the idea that Moral Law as an objective standard of obedience is nullified by the Covenant of Grace in the believer's life. How assembly members viewed the relationship between Moral Law as a perpetually binding law and Moral Law as a covenant not only highlight its preeminence but support their view of its binding force even within the life of the believer.

Because the proof-texts supplied by the Assembly are considered primary source material and because most people look to these texts for an understanding or support of the confessional statements, chapter six highlights the original proof-texts provided by the Assembly and seeks to understand their intended hermeneutical approach. Once discerned, this approach to the proof-texts is implemented throughout the remainder of the Thesis. Chapter seven investigates the Assembly's differing statements of abolition connected with the Mosaic Ceremonial and Judicial Law and what implications that language has on their theological views towards each legal corpus. Having examined their view of abrogation, the Assembly's views concerning any moral qualities associated with each legal corpus is examined. Chapter eight takes under view the general equity of the Judicial Law while chapter nine examines the instructions of moral duties found within the Ceremonial Law. The comparison of these two confessional statements helps clarify not only the tripartite distinction of biblical law but how each was divinely designed to impact modern societies and the lives of modern Christians living under the Covenant of Grace. The final chapter concludes the investigation by providing a summary of the investigative data concerning some assembly members' systematics of biblical law and their hermeneutic requisite to solve the perceived tension addressed by this Thesis.

As the investigation begins, this author's prayer is that this thesis becomes a foundation for further research into this doctrinal issue as other works become available and as individual assembly members are studied in greater depth. With that said, allow the humble petition of John Lightfoot to be employed on this author's behalf, "These my Observations and Collections in my Reading, accept gentle Reader, and the slips pass over with a gentle Eye, as slips of Youth: which more mature years may recure."⁸¹

⁸¹ John Lightfoot, *The Works of the Reverend and Learned John Lightfoot D. D., Late Master of Katherine Hall in Cambridge Such as Were, and Such as Never before Were Printed: In Two Volumes: With the Authors Life and Large and Useful Tables to Each Volume: Also Three Maps: One of the Temple Drawn by the Author Himself,*

CHAPTER 2: LITERARY PARALLELS OF WCF 19.3 19.4

WCF 19.3- Besides this Law, commonly called Moral, God was pleased to give to the people of Israel, as a Church under age, Ceremoniall Laws containing several typical Ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits; and partly, holding forth divers instructions of moral duties. All which Ceremonial Laws are now abrogated, under the new Testament.

WCF 19.4- To them also, as a Body Politique, he gave sundry Judicial Laws, which expired together with the State of that People; not obliging any other now, further than the general equity thereof may require.¹

When seeking to interpret a document as old as the 1646 *Westminster Confession of Faith*, the etymological changes in words must be considered, but so must special adaptations of terms by those within a particular field of study like Theology. One must not read a contemporary understanding back into antiquated documents. Instead, words and phrases must be defined according to the standard terminology of that day to preserve their authorial intent.

Like terminology, the order in which words were arranged becomes essential for a correct interpretation. As modern Old Testament scholars have proven, many literary devices such as parallelisms, chiasms, repetitions, contrasts, echoes, inclusios, elisions, etc., are ancient techniques of framing words to convey an author's meaning.² These literary structures must not be ignored when discovered. Therefore, this chapter will begin with an intentional observation of the language and literary structure of *WCF* chapter 19, giving particular focus to paragraphs three and four.

Paragraphs three and four are distinct within the chapter in two ways: their *thematic focus* and *literary parallels*. Their thematic focus deviates from the chapter's overall theme of Moral Law. The other five paragraphs elucidate the nature, function, or relation of the Moral

the Others of Jervsaalem and the Holy Land Drawn According to the Author's Chorography, with a Description Collected out of His Writings (London: W. R. for Robert Scot, Thomas Basset, Richard Chiswell, 1684).

¹ Bower, *CFCTI*, 217.

² *Discourse Perspectives on Hebrew Poetry in the Scriptures*, UBS Monograph Series, No. 7, Ernst R. Wendland, editor (Reading, UK: United Bible Societies, 1997), 29-94. Adele Berlin, *The Dynamics of Biblical Parallelism* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1985), 64-102.

Law in some respect. Paragraphs three and four temporarily interrupt this theme to address the topics of Ceremonial and Judicial Law. This thematic alteration highlights these two paragraphs, thereby inviting a more profound examination from the reader.

This deeper investigation leads to a discovery of the second distinction which is a unique literary feature between paragraphs three and four. A parallelism exists that expositors have failed to notice or acknowledge. The language and order forming the parallels are so evident and intentional that one wonders why it has gone unobserved. The format appears to intend a paralleled structure of information reducible to five categories. These parallels become the primary structure for the remainder of the thesis with this chapter identifying the parallels, discussing the first two, and introducing the third. The thesis focuses on the moral connections intended by Westminster's phrase, but with the added caveat of wanting to know if these parallels aid in understanding it. Since no expositor has addressed the parallels, no analysis has been done to discern the Assembly's purpose or what advantage or insights are gained in understanding their legal systematics and hermeneutics.

Confessional Agreement with *Westminster Confession of Faith* 19.3 and 19.4

Before beginning a detailed examination, it may be helpful to see that other contemporary Protestant denominations did not see the chapter as a whole or paragraphs 19.3 and 19.4 as heterodox. An argument could be made that the phrase in question, whatever its meaning, was well received by differing Protestant factions within England during the mid-seventeenth century.

Once the *WCF* was completed, the Congregationalists and Particular Baptists in England took it as a template for producing their own denominational confessions. One purpose for using the *WCF* was to demonstrate their theological unity with the larger Protestant Church, which was also a stated goal for the *WCF*.³ Although great uniformity existed, understandably, alterations were made to both resulting confessions. There were two primary purposes for their alterations. The first was to clarify *any doctrinal difference* held contrary to the *WCF*, and the second was to

³ The *Solemn League and Covenant* demanded an English confession of faith that was in accord with the best reformed confessions in Europe.

clarify any statement they deemed vague or unclear to which they agreed.⁴ Changes were made to paragraph 19.3 in the *Savoy Declaration of Faith and Order* and the *London Baptist Confession of 1677/89*. Still, the phrase of interest remained unaltered, as the *Savoy Declaration* demonstrates:

Beside this Law, commonly called Moral, God was pleased to give to the people of Israel Ceremonial Laws, containing several Typical Ordinances, partly of Worship, prefiguring Christ, his Graces, Actions, Sufferings and Benefits, *and partly holding forth divers Instructions of Moral Duties*: All which Ceremonial Laws being appointed onely to the time of Reformation, are by Jesus Christ the true Messiah and onely Law-giver, who was furnished with power from the Father for that end, abrogated and taken away.⁵

There are two alterations in the paragraph by the *Savoy* and *1689 LBC*. The first is the deletion of the phrase “as a church under age.” It was a difference in ecclesiology and not biblical law. The second alteration clarified the last sentence concerning abrogation and is for precision and not necessarily a disagreement in doctrine. This topic will be more thoroughly examined under chapter seven’s discussion of the fourth parallel on abrogation and expiration.⁶

⁴ Waldron, *1689 Baptist Confession*, 235. Editors of the London Baptist confession affirm by stating, “And forasmuch as our method, and manner of expressing our sentiments, in this, doth vary from the former (although the substance of the matter is the same) we shall freely impart to you the reason and occasion thereof. One thing that greatly prevailed with us to undertake this work, was (not only to give a full account of our selves, to those Christians that differ from us about the subject of Baptism, but also) the profit that might from thence arise, unto those that have any account of our labors, in their instruction, and establishment in the great truths of the Gospel; in the clear understanding, and steady belief of which, our comfortable walking with God, and fruitfulness before him, in all our ways, is most neerly concerned; and therefore we did conclude it necessary to expresse our selves the more fully, and distinctly; and also to fix on such a method as might be most comprehensive of those things which we designed to explain our sense, and belief of; and finding no defect, in this regard, in that fixed on by the assembly, and after them by those of the Congregational way, we did readily conclude it best to retain the same *order* in our present confession: and also, when we observed that those last mentioned, did in their confession (for reasons which seemed of weight both to themselves and others) choose not only to express their mind in words concurrent with the former in sense, concerning all those articles wherein they were agreed, but also for the most part without any variation of the terms we did in like manner conclude it best to follow their example in making use of the very same words with them both, in these articles (which are very many) wherein our faith and doctrine is the same with theirs, and this we did, the more abundantly, to manifest our consent with both, in all the fundamental articles of the Christian Religion; as also with many others, whose orthodox confessions have been published to the world; on the behalf of the Protestants in divers Nations and Cities.” Anonymous, *A Confession of Faith Put Forth by the Elders and Brethren of Many Congregations of Christians (Baptized upon Profession of Their Faith) in London and the Country* (London, 1677). [aka: *London Baptist Confession of Faith of 1677*].

⁵ Congregational Churches in England, *A Declaration of the Faith and Order Owned and Practised in the Congregational Churches in England Agreed upon and Consented Unto by Their Elders and Messengers in Their Meeting at the Savoy, October 12. 1658* (London: Printed by F. P. and are to be sold in St. Pauls Church-hard, fleet-street, and at Westminster-Hall, 1658), 19.3. Except for punctuation, the wording is identical to that of the *London Baptist Confession of 1677/89*. (Italics added).

⁶ There is a similar alteration made in paragraph four concerning the abrogation of the Judicial Law.

Although some minor alterations were made to the chapter as a whole, these were of such little importance that Samuel Waldron concluded,

If they were satisfied simply to recite the Westminster Confession's doctrine of the law of God in this chapter, it is because they felt no quarrel with it. The patent unity of the Westminster Confession in this chapter plainly manifests that there was no conscious difference between the Presbyterians, the Congregationalists and the Particular Baptists on this issue. All held with equal tenacity to the Puritan doctrine of the law of God.⁷

The conclusion is that any imprecision perceived with the paragraph was altered to ensure that the doctrines on the law to which they all held were clearly set forth. Other parts of the paragraph were changed, but the phrase in view was left untouched and intact. By these actions, a wholehearted agreement is represented between these factions.⁸ Therefore, the goal is to determine the phrase's clear and unified understanding they all affirmed yet commentators have not fully explained.

Literary Structure: Chapter 19

WCF's chapter 19 is predominately a discussion of the Moral Law with paragraph one describing Moral Law's relation to the Covenant of Works made with Adam at Creation. The following paragraph presents the Moral Law as a continuing rule of righteousness republished at Mount Sinai through Moses and written on two tables. The fifth paragraph affirms the continued universal and perpetually binding force of the Moral Law in the New Testament. Paragraph six describes the Moral Law's role in the believer's life as a rule and duty but not as a means of

⁷ Waldron, *1689 Baptist Confession*, 235.

⁸ As a system of Biblical Law, there was great uniformity even though one can see a difference in minor points of distinction, enumeration, or categorization of certain precepts. This was especially true of Natural Law when trying to define which general principles were held as principles and which ones were considered conclusions. What some considered general principles others considered conclusions but they all placed them under Natural Law. An example of this is that God is to be worshipped. Some made it a principle standing on its own while others made it a conclusion of the first principle that God exists (if God exists, then he is to be worshipped). This minor difference of practice was well understood and caused no rupture, rather, freedom was allowed for each theologian to define as they best understood the system as a whole. Turretin alluded to this issue by stating "With regard to this, almost all are agreed. But concerning the particular distinction and enumeration of these and those, all do not equally agree. Some refer those to natural right which others think belong to positive right." Francis Turretin, *Institutes of Elenctic Theology*, ed. James T. Dennison, Jr., trans. George Musgrave Giger, vol. 2 (Phillipsburg, N.J: P&R Publishing, 1994), 11.2.7.

justification before God. The last paragraph sets forth the complementary relationship between the Moral Law and the grace of the Gospel.

Within this discussion of Moral Law, paragraphs *three* and *four* are interjected. As precise as the Westminster Divines were in every other commissioned duty, one is remiss to assume it was an oversight rather than intentional. The rationale for the placement of this intrusion may be two-fold. The first is the result of paragraph two speaking of the Decalogue given at Mount Sinai. The ordinary practice of expounding biblical law placed the Decalogue with the other corpora of law also mediated through Moses as Israel's lawgiver, i.e., the Ceremonial and Judicial.⁹ Due to this common practice, Cawdrey stated that the Ceremonial and Judicial Laws were distinguished from the Moral Law (i.e., Decalogue) by referring to them as the "Mosaicall" or "Judaicall" laws.¹⁰ Therefore, unless they sought to place these two paragraphs at the beginning or end of the chapter, this seems the only other logical option, in that Moses mediated all three.

Secondly, in the second paragraph, the Ten Commandments are described as divided into Two Tables. The first four commandments comprise humanity's moral duty toward God and are thus written on the First Table. The last six commands are relegated to the Second Table and constitute humanity's moral duties to each other.¹¹ The two paragraphs on the Ceremonial and Judicial Laws immediately follow this dual division of the Decalogue. These Mosaicals were

⁹ Cf. Bolton, *TBCF*, 71-72, Burgess, *VL*, 147. Within secondary literature, this format is also followed as divine laws or the Mosaic laws are discussed. Cf. Robert Shaw, *An Exposition of the Westminster Confession of Faith*, (Scotland, Great Britain: Christian Focus Publications, 1992) 196-97. Thomas Ridgley, *A Body of Divinity, Wherein the Doctrines of the Christian Religion Are Explained and Defended. Being the Substance of Several Lectures on the Assembly's Larger Catechism* (New York: Robert Carter and Brothers, 1855) Q. XCVIII, 307. The same format is followed within the Lutheran tradition. Johann Gerhard stated, "It is fitting to follow our explication of the moral Law with an examination of the ceremonial and forensic laws. These are nothing other than specific appendices to the moral Law, streams drawn from the spring of decorum and equity, special ordinances that uniquely concern Jewish church and state." Johann Gerhard, *On the Law of God: On the Ceremonial and Forensic Laws*, ed. Benjamin T. G. Mayes and Joshua J. Hayes, trans. Richard J. Dinda, *Theological Commonplaces* (Saint Louis: Concordia Publishing House, 2015), 235. Melancthon referred to the tripartite division of Mosaic Law then quickly distinguished the ceremonial and Judicial from the Moral Law. This he did by denoting the perpetuity of Moral Law and the abrogation of the former two as they particularly related to Israel. From this starting point, he began his exposition of the Decalogue. Philip Melancthon, *The Chief Theological Topics: Loci Praecipui Theologici 1559*, trans. Jacob A. O. Preus (Saint Louis, MO: Concordia Publishing House, 2011), 90-91.

¹⁰ Cawdrey, *CSV*, 3.

¹¹ Demonstration of this commonly held approach will be given as the thesis examines the expressions and applications of Moral Law further down. Such a view both preceded and followed the Assembly even to the present day which expositions of the Standards bear out.

viewed as appendages to the Decalogue.¹² Although this topic will be discussed in greater detail later, it is sufficient to note that the Ceremonial and Judicial laws were seen as applications of the Two Tables. As explicating statutes, they directed Israel at that time and place on how they were to obey the Decalogue, thereby keeping the Moral Law. Therefore, the Assembly’s theological legal system makes this placement all the more contextually fitting. This system would also account for why the Ceremonial Law was referenced first, in that it was associated with the First Table. This systematic understanding of the law by the Assembly adds validity to the view that the placement of these two paragraphs was not haphazard but intentionally precise.

Literary Structure: Paragraphs 19.3 & 19.4

Paragraphs 19.3 and 19.4 stand out because they possess literary parallels wholly unique in this and all other chapters of the *Westminster Confession*. By these parallels, the similarities and distinctions of these Mosaical laws are set forth and, at the same time, placed in contrast with the Moral Law. The *five distinct parallels* are charted as follows:

Chart of WCF 19.3 and 19.4 Parallels:

Parallels	WCF 19.3: Ceremonial¹³	WCF 19.4: Judicial
Parallel 1	“God was pleased to give”	“he gave”
Parallel 2	“to the people of Israel, as a Church under age”	“To them also, as a Body Politique” (Israel)
Parallel 3	“Ceremoniall Laws”	“sundry Judicial Laws”
Parallel 4	“now abrogated under the new Testament”	“expired together with the State of that People”
Parallel 5	“partly, holding forth divers instructions of moral duties”	“not obliging any other now, further than the general equity thereof may require”

The five descriptive parallels comport respectively with:

1. the divine origin and prescription of each legal corpus to Israel,

¹² Cawdrey, *CSV*, 3. Bolton, *TBCF*, 71-72. “In that it (Moral Law) is a foundation of the other lawes, and they are reduceable to it.” Burgess, *VL*, Lect. XVI, 155. See also the same principle in Cawdrey, *CSV*, 53, 60, and 72.

¹³ All charted quotations of the *Westminster Confession of Faith* are taken from Bowers, *CFCTI*, 217.

2. Israel’s primary sphere of government associated with each legal corpus,
3. the tripartite division’s descriptive name of each legal corpus,
4. the definite annulment of the particular precepts of each legal corpus,
5. and affirmation of some perpetually obligating aspect associated with each legal corpus following their annulment.

The charted parallels reveal the Assembly’s perceived elements of commonality and distinction between the two legal corpora. The commonalities include:

1. the divine origin of these laws,
2. that each legal corpus was distinctly designed to regulate a particular sphere of government within Israel,
3. that both legal corpora were annulled,
4. that some aspect of each legal corpus still has a present-day obligation.

The distinctions between them are:

1. the governmental spheres each was designed to regulate (ecclesiastical/civil),
2. the characterization of each legal corpus (ceremonial/judicial),
3. the terms used to describe how each legal corpus was annulled (abrogated/perished),
4. the expressions denoting the perpetually obligating element within each legal corpus (instructions of moral duties/general equity).

In short, the Assembly’s wisdom in setting forth their views with such brevity and precision is on full display in these two paragraphs. If one had to guess the authorial intent behind these five parallels based on the textual data, these comparisons and contrasts seem the most fitting. Happily, the personal writings of Assembly members exist with which to compare this conclusion. In those treatises, they were not limited by confessional brevity within those treatises but free to express their views in greater detail.

First Parallel: The Divine Origin and Prescription of Each Legal Corpus to Israel

Parallels	WCF 19.3: Ceremonial	WCF 19.4: Judicial
Parallel 1	“God was pleased to give”	“he gave”

Divinely Prescribed

As charted, the *first parallel* is that God was the architect and benefactor of Israel's Mosaic laws. This gracious provision came about while Israel was encamped at Mount Sinai. Though they were contemporaneously given with the Decalogue, there were noticeable differences. According to Westminster Theology, one of those differences is that the Moral Law is binding on all people, but the Ceremonial and Judicial Laws were only prescribed to the Jews. Bolton spoke of how the Ceremonial Law was "an Ordinance containing precepts of worship to the Jews" while the Judicial Law provided "a rule of common and publique equity...that they might be distinguished from others."¹⁴ The "others" to whom Bolton referred were those nations surrounding Israel.¹⁵ Likewise, Gouge stated, the "Morall Law concerns all the Sons of Adam: but the two other concerns the Sons of Abraham."¹⁶ This one fact separates Israel from every other nation on earth both before her and after her. All the other nations were free to formulate civil laws in accordance with the light of nature they possessed. The gross injustices and lack of judicial equity found among other nations is a testament to man's depravity and the limitations of the light of nature. After God provided Israel's laws, he reminds her that the wisdom manifested by the justice and righteousness of those laws distinguished her from other nations,

⁴ But you who held fast to the LORD your God are all alive today. ⁵ See, I have taught you statutes and rules, as the LORD my God commanded me, that you should do them in the land that you are entering to take possession of it. ⁶ Keep them and do them, for that will be your wisdom and your understanding in the sight of the peoples, who, when they hear all these statutes, will say, 'Surely this great nation is a wise and understanding people.' ⁷ For what great nation is there that has a god so near to it as the LORD our God is to us, whenever we call upon him? ⁸ And what great nation is there, that has statutes and rules so righteous as all this law that I set before you today?¹⁷

According to the *Westminster Annotations*, "statutes and righteous judgments" referred to Ceremonial and Judicial Laws.¹⁸ God's institution of Israel's Ceremonial and Judicial precepts did not preclude similar laws as divinely given before Moses or used by other peoples and nations. Moses's words presuppose that other nations had such laws. Deuteronomy 12:6-8

¹⁴ Bolton, *TBCF*, 71-72.

¹⁵ *Ibid.*

¹⁶ Gouge, *Hebrews*, 7:12, Sect. 68, p. 170.

¹⁷ Deut. 4:5-8, *ESV*.

¹⁸ *Westminster Annotations*, Deut. 4:14.

speaks of other countries hearing of and confessing the wisdom and understanding found within Israel's laws compared to theirs and that of other nations. As Cawdrey observed,

though divers of the Ceremonials were not first given by Moses, nor to the Jewes only, but in Ages before them: For sacrifices were as ancient as Cain and Abel, (Gen. 4) and no doubt, from a Divine command or inspiration to their Father.¹⁹

The sacrifices instituted due to Adam's fall into sin continued until Moses. Many ancient ceremonial rituals, some dating back to the Garden of Eden, were incorporated into the Mosaic Ceremonial Law.²⁰ One ancient ceremony is that of Circumcision which was instituted under Abraham (Gen. 17).²¹ The Aaronites were undoubtedly not the first priests, as Melchizedek of Abraham's day proves (Gen. 14:18). Yet, when God gave the Ceremonial Law to Israel, He formulated and provided all the rites and ordinances they needed to relate to and worship him as his chosen people during that Old Testament administrative dispensation.²²

Likewise, civil laws were not unique to Israel. There must be a legal code to govern a society's conduct, thereby providing a form of order, peace, and justice. Having been delivered from 430 years of bondage under Egyptian rule, Israel needed a civil code by which she too might have an ordered and just society. Therefore, through Moses, God provided the needed civil precepts by which she as a nation could thrive.

Burgess stated that once Israel was delivered from Egypt and about to enter Canaan and become not only "a great people" but also a "Common wealth," it was then that,

God makes them lawes, for he was their King in a speciall manner; insomuch that all their Lawes, even politicall, were divine: and therefore the Magistrates could not dispence in their lawes, as now Governours may in their lawes of the Common-wealth.²³

Notice how Burgess distinguished Israel's civil laws from other nations by stating that not only were these divine laws specifically given to Israel, her Magistrates could not repeal them. These

¹⁹ Cawdrey, *CSV*, 3.

²⁰ Animal sacrifice began in the Garden of Eden following the fall of Adam into sin. Gen. 3:21, 4:4.

²¹ John Maynard emphasized the institution of circumcision under Moses when discussing the divine institution of the Ceremonial Law. Maynard, *LGR*, 77. Comp. "Likewise also the old and holy patriarchs that were before Moses, did not lack the ceremonial and judicial laws. For they had their priests, I say, their fathers of every kindred or household; they had their ceremonies, their altars and sacrifices; they had their solemn assemblies, and purifications." Heinrich Bullinger (1504-1575), *The Decades of Henry Bullinger*, ed. Thomas Harding, trans. H. I., The Parker Society (Cambridge: The University Press, 1849), 2-2, ii.211, <https://www.monergism.com/decades-ebook>.

²² Bolton, *TBCF*, 71-72; Cawdrey, *CSV*, 4.

²³ Burgess, *VL*, 149-50.

civil laws, although positive, were divinely prescribed and, therefore, could not be abolished by anyone but God. The same could be said concerning her ceremonial ordinances. In this, Israel was unique among all the nations of the earth. Other countries possessed civil laws, but these were human laws concluded from the principles of Natural Law filtered through depraved hearts and minds. The degree of justice within these human laws was always suspect because of their subjective nature. In comparison, such a charge could never be made against those laws given to Israel through Moses. They were essentially just and righteous due to their divine Author's immutably just and righteous character; and the same must be said of her divinely prescribed ritual ordinances.

Doubly Obligated

Because these positive laws were divinely instituted for Israel, she alone was not only obligated to keep them, she was doubly obligated. The Decalogue, as Moral Law, was seen as binding, but so were the laws mediated through Moses. This view does not negate the preeminence of the Decalogue, but it does emphasize the binding authority of the temporary, positive laws prescribed to Israel. Assembly members believed any command of God was binding on the one to whom it was given. Such was true of commands to individuals like Noah to build the Ark or Abraham to leave his country or sacrifice Isaac.²⁴ These commands solely bound the one to whom God had commanded them. Likewise, Israel is collectively obligated to the commands which God mediated to her through Moses. Therefore, these precepts bound her and her alone by their divine promulgation to her.²⁵ As Cawdrey stated,

This adds a second Obligation, even to the Lawes of Nature, and so to all others formerly given; and so Israel was the second or third time obliged to the Lawes of the Decalogue, and some others, because they had a renewed, (and so more undeniable) Charge of them, by Word and Writing; and could not so much as plead Ignorance, unlesse wilfull, through neglect of the Scriptures, which was specially given them to be Gods Statute-book, and Authentick Record of his Lawes.²⁶

²⁴ Cawdrey, *CSV*, 3.

²⁵ Assembly member George Walker (1581?-1651) referred to "Speciall or Temporary lawes...which bind men or all men of some ages and in some times to some speciall service and worship, fit for the present state and condition of the Church, or to some duties and works which for the time are profitable to guide and lead men to Christ, and therefore are sanctified of God and set apart for that purpose." George Walker, *DS*, 61.

²⁶ Cawdrey included the Mosaical laws along with the Moral Laws found in both Natural Law and the Decalogue by including the phrases "and so to all others formerly given," "and some others." Cawdrey, *CSV*, 8-9. Cf. Burgess, *VL*, 148.

God gave the Decalogue to clarify the Moral Law blurred by Adam’s sin. In addition, God also provided clear precepts on how to fulfill this moral summary by giving Israel the Ceremonial and Judicial Laws, which Moses codified in a book. Laws that existed before Moses but prescribed by God through Moses to Israel became all the more obligatory on her. For God not only restated them, he also commanded they be written down. This double witness of “Word and Writing” removed all excuses of ignorance and placed a “second or third” obligation upon her as the recipient of that clear revelation.²⁷

Second Parallel: Israel’s Governmental Sphere Associated with Each Legal Corpus

Parallels	WCF 19.3: Ceremonial	WCF 19.4: Judicial
Parallel 1	“God was pleased to give”	“he gave”
Parallel 2	“to the people of Israel, as a Church under age”	“To them also, as a Body Politique” (Israel)

The *second parallel* concerns Israel’s Ceremonial and Judicial Laws as divinely designed to direct particular spheres of Israel’s government. Westminster theology readily affirmed in 19.3 and 19.4 that Israel was understood as possessing both an ecclesiastical and civil nature.²⁸ Some confuse and conflate the two, but Westminster distinguished them.²⁹ Because of this dual nature, Israel received two distinct legal corpora specifically tailored to govern each sphere. As Cawdrey stated it,

the Nation of the Jewes, taken to be Gods peculiar people, was both a Church, the only Visible Church that God then had upon Earth, as also a Body Politick, or Civill Societie. And in both those considerations, God himselfe was pleased to be their Lawgiver.³⁰

Israel as a Commonwealth

Like Cawdrey, the *Confession* denoted Israel’s civil government by referring to her “as a Body Politique.” Israel’s two governmental spheres had clear boundaries, each having a specific

²⁷ Cawdrey, *CSV*, 8.

²⁸ *WCF* 19.3, 19.4. The Erastians on the assembly, Thomas Coleman in particular, argued against the idea of the New Testament affirming “any such distinction betwixt civill and ecclesiasticall government.” His proposition differs from the concept of two spheres of government within Israel. Yet, it leads one to wonder if other Erastians opposed the view of Israel having two distinct governments within itself. Regardless, Coleman’s views were opposed by men from both the Congregationalist and Presbyterian camps. Van Dixhoorn, *M&P*, vol. 3, 768-771.

²⁹ For more information on the topic of conflating the differing governmental spheres of Israel, see a paper presented at Union School of Theology’s Annual Conference, Jan. 16, 2019, by Glenn Dire, *The Invalidity of Protheocratic Presuppositions in Biblical Argumentation*.

³⁰ Cawdrey, *CSV*, 4.

legal code, offices, and officers.³¹ The Assembly stringently maintained the distinction between the two legal corpora and the governmental spheres; yet, this strict demarcation did not deny an overlap or intermingling between the legal codes at certain points.³²

Israel's Distinct Commonwealth

Although acknowledging the Judicial Law, the *Confession* does not list its particular purposes. Bolton, however, provided three of which two are significant for this section. Bolton's three purposes were, "1. That there might be a rule of common and publique equity. 2. That they might be distinguished from others. 3. That the government of Christ might be typified."³³ Israel's civil statutes were unique to her and provided her with a national identity. In this sense, she was self-governed and not enslaved to other countries as before in Egypt. Once Israel was delivered from Egyptian bondage, she needed a personal civil code. Freed from the imposed laws of Egypt, she needed something to fill this societal void. God mercifully intervened and uniquely provided Israel with a personalized system of justice.

As part of her identity, Israel's laws reflected her newfound covenantal relationship with YHWH in opposition to the false national gods around her. One particular precept that displayed her covenantal relationship and national identity was her Sabbath ordinance. Nehemiah reveals it played a part in regulating the nation's civil and economic life (Neh. 13).³⁴ In the text, Nehemiah, as Governor, commands not only the resident Jews but also the foreigners from other nations who were within the borders of Judah to observe the Sabbath (vss. 16-17). Thus, Israel's national identity is manifested by the laws she possessed and her authority to enforce them.

³¹ Ibid. *WCF* 19.3 and 19.4 assume this governmental distinction, whereas, the *Westminster Annotations* demonstrates this distinction with their explanation of 2 Chronicles 26:16-21 when Judah's king, Uzziah, entered the temple to burn incense and was withstood by the priests. Gillespie, in referring to Israel as a church spoke of her "elders of the people, who assisted in their ecclesiastical government, and were members of their ecclesiastical consistories." His words are clearly meant to denote the held distinction between the civil government and the ecclesiastical government found within Israel as reflected in *WCF* 19.3 and 19.4. Gillespie, *Debates*, Assertion of the Government of the Church of Scotland, see Chapter III, entitled, The First Argument for Ruling Elders Taken from the Jewish Church, 13.

³² Many ordinances were of a mixed nature and thereby addressed both governmental spheres at the same time in a single ordinance. Two examples of mixed ordinances are Deut. 21:1-9 and Numbers 35:9-34. For a more thorough explanation see Chapters 9 and 10. For the reader's advantage, Cawdrey's remarks are here repeated: "It is hard to give any such exact description either of Ceremoniall or Judiciall Lawes, as shall neither be too scanty, so as to leave out none of that kind, nor yet enterfere with the other kind: And harder perhaps to find any Judiciall (proper to the Jewes) which had not somewhat of Ceremoniality in it." Cawdrey, *CSV*, 4.

³³ Bolton, *TBCF*, 72.

³⁴ See Gouge's annotations in the *Westminster Annotations*, Nehemiah 13:15-22.

Israel's Common Equity

The same laws that provided Israel a national identity also supplied her with a common or public equity.³⁵ Bolton noted this purpose and listed it first, and its importance is top ranking. For without these just laws, the commonwealth would descend into chaos. The Judicial Laws provided just standards by which the Jews could relate to one another in public and private interactions. These precepts governed foreign and domestic commerce, public health and safety, domestic land ownership, marriage, divorce, and inheritance.³⁶ They even regulated the art of war by determining which trees could be cut while besieging a city.³⁷ Along with the precepts were directives concerning penal sanctions that best fit those circumstances at that time within that particular nation.³⁸ Without her own public equity, Israel's national sovereignty was, in some regards, in vain; and without the penal sanction, her laws were reduced to mere suggestions.

Israel as the Church

Westminster theology considered there to be a church in the Old Testament, and once established, Israel was the visible Church of God on earth during that covenantal administration prior to Christ. Burgess noted that the Moral Law existed in the Church before Moses received it at Mount Sinai, and Gouge spoke of Joseph in Genesis 37 as “once sold” by his brothers “out of the visible church.”³⁹ Thomas Goodwin referred to Psalm 85 as “penned, in the name and for the the comfort of the whole Church of the Jewes, both as a Prophecie of, and a Prayer for their

³⁵ Bolton, *TBCF*, 72.

³⁶ Ex. 21:8, Lev. 25:15, Deut. 14:21; Lev. 13 & 14, Ex. 21:33-36; Lev. 25:13-34; Lev. 21:14, Deut. 24:1-5, Num. 25:55, 27:1-11.

³⁷ Deut. 20:19.

³⁸ This is too vast an issue to address within the body of this thesis. A cursory treatment of the topic is given in the unpublished article entitled “Theonomy vs. Westminster”. There are many differing views concerning the penal sanctions of the Old Testament within the Protestant tradition. Capital punishment for such capital crimes as murder, blasphemy, and adultery were normally upheld. Many like Piscator maintained a distinction between capital and non-capital crimes and held that these two distinct categories are to be maintained and that non-capital crimes cannot be made capital, and vice versa. Within the non-capital category, there was flexibility concerning the penal sanctions. Johannes Piscator, *Disputations on the Judicial Laws of Moses*, ed. Joel McDurmon, trans. Adam Jonathan Brink (Powder Springs, GA: American Vision Press, 2015), 44–46. Comp. John Calvin, *Institutes of the Christian Religion*, trans. Henry Beveridge (Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 1995), 4.20.16. Burgess, *VL*, 188-92.

³⁹ Burgess, *VL*, 150. Cf. Gouge, *Hebrews*, 11. Sect. 116, p. 101.

returne out of the Babylonish Captivity.”⁴⁰ Lastly, Thomas Gataker spoke of how “Sacred Offices...were in the Jewish Church divided by Lot.”⁴¹

The Visible Church on Earth

Because she was considered the Church, she received the Ceremonial Laws to direct her worship and approach unto God.⁴² More particularly, as the people of God, Israel was considered the “only Visible Church” on earth at that time.⁴³ Gouge spoke of the “peculiar visible Church of the Jews,” who had descended from Israel (Jacob) and were “till Christs ascension...the visible Church of God on earth.”⁴⁴

Westminster theology held a distinction between the visible and invisible Church. Although this visible/invisible distinction is made concerning the Church, it is still one Church, though viewed in different characteristics. Like the “C’s” of a diamond, though one diamond, its aspects of carat, clarity, cut, and color can all be examined independently of the others; so too the Church’s visible and invisible facets. The visible Church “consists of all those, throughout the World, that profess the true Religion; and, of their Children.”⁴⁵ As it concerned Israel in the Old Testament, the visible Church was more restricted to the nation of Israel. According to the *Confession*, the New Testament Church is no longer “confined to one Nation, as before, under the Law.”⁴⁶

Although less broad in scope, Israel as the visible Church contained both regenerate and unregenerate people within it as does the visible church of the New Testament. This dynamic is one of the two main distinctions between the visible and invisible Church. The Church as

⁴⁰ Thomas Goodwin, *The Returne of Prayers A Treatise Wherein This Case How to Discerne Gods Answers to Our Prayers Is Briefly Resolved, with Other Observations Vpon Psal. 85.8. Concerning Gods Speaking Peace, &c. By Tho: Goodvvin. B.D.* (London: M. Flesher for R. Dawlman, and L. Fawne, at the signe of the Brazen Serpent in Pauls Church-yard, 1636), 1–2.

⁴¹ Thomas Gataker, *Of the Nature and Use of Lots a Treatise Historicall and Theologicall; Written by Thomas Gataker B. of D. Sometime Preacher at Lincolnes Inne, and Now Pastor of Rotherhith* (London: Edward Griffin and are to be sold by William Bladen at the signe of the Bible at the great north dore of Paules, 1619), 38.

⁴² “judicial Ordinances made for the just and peaceable government of the people, as the Ceremonial serve chiefly for the ordering of their behavior (especially) in duties of devotion towards God.” *Westminster Annotations*, Exodus 21:1.

⁴³ Cawdrey, *CSV*, 4.

⁴⁴ Gouge, *Hebrews*, 7. Sect. 44, p. 151; 8:8, Sect. 36, p. 248.

⁴⁵ *WCF* 25.2.

⁴⁶ *Ibid.*

invisible “consists of the whole number of the Elect, that have been, are, or shall be gathered into One, under Christ the Head thereof.”⁴⁷ Whereas the visible Church has both believer and unbeliever in it, the invisible is comprised of only “the Elect” or those who are or will be regenerated.⁴⁸ This distinction assumes that whereas the visible Church is periodic and pertains to that mixed multitude within it at any given time within history, the invisible comprises all the Elect and only the Elect of every age. According to the *Confession*, the Elect consist of people from all over the world, chosen by God’s eternal decree, and whose number is unchangeable throughout time. *WCF* 3.4 states,

These Angels and men thus predestinated and foreordained, are particularly, and unchangeably designed, and their number is so certain, and definite, that it cannot be either increased, or diminished.⁴⁹

Similarly, unlike the unchangeable number of the Elect associated with the invisible Church, the visible Church is,

sometimes more, sometimes less visible. And particular Churches, which are members thereof, are more or less pure, according as the Doctrine of the Gospel is taught and imbraced, Ordinances administered, and Publique Worship performed more or less purely in them.⁵⁰

Even though the scope of the visible Church was “confined to one Nation” in the Old Testament, that did not exclude someone who was non-Jewish and outside the nation’s borders from becoming part of the visible Church. John Wallis pointed out that although he held that Israel was God’s chosen people and the visible Church at that time, they were by no means solely exclusive. In his opposition to Thomas Bampffield, he stated,

I agree also that the Church of the Jews was the *most* visible Church of God, but I am loth to say (with him, *p.* 79.) it was *the whole visible Church*; For I presume there might be many *Good men* of other Nations, who worshiped the *true God* (of whom we have no History,) though not joined to the Jewish Church, nor were (that I know of) obliged so to be. Such was *Melchizedek* (whoever he were) not of the seed of *Abraham*, much less of *Israel*. And such was *Job*, and his *Friends* from divers Countries (of whom, were it not for the story of *Job*, we should have had no knowledge,) nor are we to think these were the *onely persons* of those Countries who worshiped the true God. And how many such were in other Nations, we cannot tell. Who might, if they had opportunity, join as

⁴⁷ *WCF* 25.1.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, 3.4.

⁵⁰ *Ibid.*, 25.4.

Proselites with the Jewish Church, when established. But I do not think they were necessarily obliged so to do, or to keep the *same Sabbath* with them.⁵¹

Likewise, the *Westminster Annotations* in speaking of Melchizedek stated, “[T]hough the posterity of Abram were Gods visible Church, there were some without it, who were not without the knowledge and worship of the true God.”⁵²

In expounding 2 Kings 5:17, Gouge referred to Naaman, the Assyrian military Captain, as “a true convert, in that he turned from false Gods to the onely true Lord.”⁵³ Naaman’s narrative also reveals that though the Ceremonial Laws obligated the Jews, it did not obligate other converts outside of Israel. As Gouge postulated concerning Naaman’s request for dirt from Israel to build an altar, “the Jewes were bound to go to the altar that was in the Temple, and thereon to offer their sacrifices, yet we cannot say that Gentiles were tyed thereunto.”⁵⁴ Therefore, Westminster maintained the visible and invisible aspects of the Church and particularly regarded Israel as the visible Church on earth during the Old Testament dispensation, while not excluding others of faith outside Israel’s borders.

The Church Under-Age

The *Confession* also referred to Israel as a “Church under age.”⁵⁵ This designation necessarily applies to the Church’s visible aspect and is referred to synonymously by others as the “non age” or “infancie” of the Church.⁵⁶ The infantile state rested on two conditions of

⁵¹ Wallis, *Christian Sabbath*, 73.

⁵² *Westminster Annotations*, Genesis 14:18.

⁵³ *Ibid.*, 2 Kings 5:17. In his introduction to chapter 5, Gouge stated, “This history is very memorable concerning the cure both of Naamans body and also of his soul.” *Ibid.*, 2 Kings 5:1.

⁵⁴ *Ibid.*, 2 Kings, 5:17. There is the issue of proselytizing whereby a Gentile convert could become affiliated with the Jewish people in various stages and degrees, even to the point of full Jewish participation through circumcision. Limitations, however, do not allow for a treatment of this topic.

⁵⁵ *WCF*, 19.3.

⁵⁶ Bolton, *TBCF*, 71-72. Cf. Cawdrey, *CSV*, 4. Others like Anthony Tuckney referred to this “under age” condition as “that non age of the Church.” Anthony Tuckney, *Forty Sermons upon Several Occasions by the Late Reverend and Learned Anthony Tuckney ... Sometimes Master of Emmanuel and St. John’s Colledge (Successively) and Regius Professor of Divinity in the University of Cambridge, Published According to His Own Copies His Son Jonathan Tuckney* (London: Printed by J. M. for Jonathan Robinson and Brabazon Aylmer, at the Golden Lyon in St Pauls Church-Yard, and at the three Pigeons in Cornhill, 1676), 167. The term “infancy” of the Church is also used in other contexts to describe the Apostolic Church following the Ascension of Christ. The two conditions of the Church do not mean the same. As used in the *Confession*, it refers to the visible Church constrained to Israel prior to Christ’s first Advent and accomplished atonement. The latter refers to the commencement of the new administration of the Church after Christ’s Ascension, no longer constrained to and comprised primarily of Jews, but now vastly inclusive of the Gentile nations. Cf. Burgess, *VL*, 165. Cf. *WCF* 7.5.

Israel at that time. The first is due to her *place in redemptive history* before the promised fulfillment of Christ's redeeming work. Thus, her historical position as God's church was one of anticipation, not completion. Cawdrey observed that the church's infantile state ended at Christ's appearing. For it was then that Christ, who was "the Body" of her ceremonial ordinances, arrived, and consequently, "the Church [did] come of age, out of her state of infancie."⁵⁷

Secondly, this underage condition represented *her redemptive knowledge*, which was not as complete as in the New Testament Church. As Gouge stated,

Those ordinances are stiled elements, in that they were the horn-book (as we speak) or A B C, in comparison of the deep mysteries which are revealed, and learned by the Gospel. Under them men are said to be in bondage, in that they were as children, or Schoolboyes, kept under a mean and streight discipline.⁵⁸

As noted earlier, the ceremonial precepts directed Israel in her worship, yet, they also served as the gospel of that age.⁵⁹ Therefore, these ordinances had a twofold role as they concerned the gospel and the under aged condition of the Old Testament Church. First, they were designed to instruct the Church concerning the promised Messiah by their divinely crafted typical nature. In this way, they foreshadowed the person and work of Christ. These ordinances signified the

⁵⁷ Cawdrey, *CSV*, 144.

⁵⁸ Gouge, *Hebrews*, 7:16, Sect. 81, p. 183. Cf. "*rudiments of the world*] Or, *elements*. Ceremonies of the law, for as much as it pleased God in the infancie of the Church to lead the Israelites, and consequently in them the rest of the world that were saved unto Christ by this meanes, even as a childe is led to read by learning the A. B. C. or a Scholar by his Accidence to his Grammar." *Westminster Annotations*, Col. 2:8. Cf. Thomas Young who stated, "*rudiments of the world. Now by the rudiments of the world, he means, the pedagogy of Moses.*" Thomas Young, *The Lords-Day, Or, A Succinct Narration Compiled Out of the Testimonies of H. Scripture and the Reverend Ancient Fathers and Divided into Two Books : In the Former Whereof Is Declared, That the Observation of the Lords Day Was from the Apostles ... : In the Later Is Shewn in What Things Its Sanctification Doth Consist ... / Lately Translated Out of the Latine* (London: Printed by E Leach, and are to be sold by Nevil Symmons, at the Princes Arms in St. Pauls Church-yard, 1672), 149. Samuel Rutherford also noted the instructional aspect of the description when he listed three particulars concerning the Jewish non-age: "1. A lesse measure of the Spirit then is now. 2. A harder pressing of the Law on them. 3. A keeping of that infant Church, as a child under Pedagogues and Tutors, in regard of the Elements of Ceremonies; partly, teaching them rudely; and partly, warning them by bloody Sacrifices, and diverse washings of the desert of sinne, and the filth of it." Rutherford, *Spiritual Antichrist*, 15.

⁵⁹ "the ceremoniall also (as in Levit. 18.4, 5.) which was their Gospel." Bolton, *TBCF*, 154. Comp. William Ames, "Ordinarily Christ and Redemption by him was shaddowed out by the high priest, the authours, and sacrifices for sinnes. 32. Justification was shewed in many sacrifices, washings, and the Sacrament of the Passeover. 33. Adoption was shewed in the first borne, who were dedicated to God. 34. Sanctification, in all the offerings and gifts, and in those observations which had any shew of cleanlinesse. 35. Glorification, by the inheritance of the promised Land, and by that communion which they had with God in the most holy place." William Ames, *The Marrow of Theology*, trans. John Dykstra Eusden (Durham, N.C: Labyrinth Press, 1983), 197.

promised Messiah's glorious character and nature and taught them about the sufferings he would undergo and the benefits and graces he would bestow as a result.⁶⁰ On this basis, Gouge stated,

Such externall types, figures and shadows were afforded to Gods people under the Law, in regard of their weakness, to raise up their minds and hearts to higher and greater matters: and to be as looking-glasses to shew unto them Christ Jesus, and such things as concerned their eternall salvation.⁶¹

Secondly, those same ordinances were the gospel itself. It was not the rites and rituals that saved, but the promised Messiah signified by them and embraced by faith. Gouge referred to the ceremonial ordinances as “carnal ordinances” and stated, “the Law of the *Leviticall* Priest-hood makes nothing perfect, therefore it is weak and unprofitable.”⁶² In contrast to the impotence of these carnal ordinances, Gouge acknowledged that “To work such perfection of grace as may bring to perfect glory, is a divine work, and cannot be effected but by a divine power: even the power of God himself.”⁶³ The Old Testament believer embraced the same promised Messiah by faith as does the New Testament believer. The Old Testament saints were looking ahead in anticipation of the Messiah’s promised coming, and those of the New Testament are looking back in faith at the promise fulfilled. These shadowy revelations were somewhat veiled compared to the New Testament time of fulfillment.⁶⁴ Nonetheless, the Messiah’s person and work were manifestly proclaimed by those ordinances and, as such, were their gospel.

God provided the ceremonial ordinances not only to guide them in their rites of worship, but they served as a means “By which God would traine them up, in that time of his Churches infancie, till Christ should come.”⁶⁵ For Cawdrey, this training took on a two-fold purpose. The

⁶⁰ WCF 19.3.

⁶¹ Gouge, *Hebrews*, 4. Section 49, p. 427.

⁶² *Ibid.*, 7:19. Sect. 86, p. 186.

⁶³ *Ibid.* p. 187.

⁶⁴ Cf. Bolton, *TBCF*, 146-47.

⁶⁵ *Ibid.*, Young, *Lord’s Day*, 150. Cf. *Westminster Annotations* on Galatians 3:24: “Wherefore the law was our school-master] A means and instrument to rule and regulate our minds and actions agreeable to the infancy of the Church with a great deal of austerity. The Jews under the law here are compared to children, and the faithful under the Gospel to men of riper years that need no school-master; the school-master is the Law, both Moral and Ceremonial. For the Moral Law leadeth unto Christ by convincing us of sin, and denouncing the curse against it, shewing us thereby that if we desire to escape that curse we must flie to Christ for refuge, who hath redeemed us both from sin and curse; and the Ceremonial Law also brings us unto Christ; because the same not onely convinceth men of sin, but also exhibiteth types and figures of Christ and his benefits: and teacheth that whatsoever was shadowed out by them, was truly to be found in Christ, Heb. 9. 10, 11.” *Westminster Annotations*, Gal. 3:24, “Wherefore the law was our school-master.”

first was that the Jews were led “To enquire after the spirituall mysteries contained in those Precepts and Prohibitions.”⁶⁶ As he saw it, some of those ordinances had “no other tolerable reason” for which they would or should be implemented by God other than “to signifie some higher matters.”⁶⁷ The secondary purpose was for training them “to long for the coming of that promised Seed, who should deliver them from the bondage of those wearisome observances, and burdensome forbearances.”⁶⁸ Therefore, by observing these ceremonial precepts, the Jews could properly relate to and worship God. In addition, by a correct observance, these laws trained them to discern the gospel mysteries concerning Christ and, at the same time, create within them a longing for the day of his arrival when those burdensome precepts would be removed. In this way, these typological ordinances, when properly observed, ordered their worship while also heralding the good news of the coming Messiah in whom they were to believe.⁶⁹

Although it was viewed as the under age Church, it was the Church nonetheless. Consequently, because Westminster held that Israel was the visible Church, many unchanging truths, duties, and offices could be extracted from her. Accordingly, the Assembly’s analogical approach to New Testament church government and discipline was made possible.⁷⁰ This understanding led Gillespie to state that for ordinary and perpetual officers of the Church, “Whatsoever kind of office-bearers the Jewish church had, not as it was Jewish, but as it was a church, such ought the Christian church to have also.”⁷¹

Ceremonial Ordinances as a Temporary Means of Grace in the Old Testament Church

⁶⁶ Cawdrey, *CSV*, 5.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ Was this characteristic unique to the Ceremonial Law? Anthony Tuckney believed that “all God’s ordinances” were instituted for the purpose of leading to Christ, not just the ceremonial. This would include the Moral and Judicial Laws. Tuckney’s comment, however, demands clarification. Tuckney, *Forty Sermons*, 109.

⁷⁰ See thesis chapter six.

⁷¹ Gillespie, *Debates*, Assertion of the Government of the Church of Scotland, see Chapter III, entitled, The First Argument for Ruling Elders Taken from the Jewish Church, 13. This approach accords with chapter six of this thesis concerning analogical conclusions drawn from the ceremonial laws of the Old Testament. This hermeneutic was crucial within the debates and is reflected in the theology of Westminster’s standards and their annotations on the bible.

Although the ceremonial ordinances had in and of themselves no saving power as carnal ordinances, they nonetheless, by God’s design, were means of grace to those who engaged in them by faith. As Gouge stated,

By this we have an evidence of Gods care over his Church. In wisdom he saw it meet to put off the coming of his son into the world to the latter age thereof. Yet would he not leave his Church destitute of means, to nourish their faith and hope in Christ, to draw them to repentance, and to pacifie their consciences. For after they had sinned, by their legal expiations, which put them in mind of Christ’s death, their consciences were pacified.⁷²

According to Gouge, these ceremonial ordinances possessed both a carnal/physical aspect and a spiritual one. They were merely outward rituals as carnal ordinances, but they conveyed spiritual truths concerning Christ’s salvation as to their spiritual aspect. Those Old Testament Jews who “used the legal rites, merely as outward rites, without reference to their truths, did rest upon meer shadows, and manifested therein a childish disposition.”⁷³ Because ceremonial ordinances were to train them to seek after Christ and fit them for an age when such rituals were to cease, Burgess held that those like the Papists who clamor for more and more ceremonies rather than their spiritual realities had returned to a state of infancy. When discussing the Sacraments, he stated,

Only take notice, that Popery, having introduced so many ceremonious observations, and such a multitude of Church precepts, hath made the times of the Gospel to be the times of none-age again. This also discovereth that such are not spirituall, that delight in ceremoniall wayes: and the more men fix their heart upon sensible observations, the less they partake of spirituall.⁷⁴

Third Parallel: The Tripartite Distinction of Biblical Law

Parallels	WCF 19.3: Ceremonial	WCF 19.4: Judicial
Parallel 1	“God was pleased to give”	“he gave”
Parallel 2	“to the people of Israel, as a Church under age”	“To them also, as a Body Politique” (Israel)
Parallel 3	“Ceremoniall Laws”	“sundry Judicial Laws”

The third parallel reflects the Assembly’s affirmation of the tripartite division of law. This division was not as simplistic as may first appear. Its complexity is demonstrated as the thesis progresses. In paragraph three, they mention the Ceremonial Law as distinct from the

⁷² Gouge, *Hebrews*, 9.1, Sect. 3, p. 300.

⁷³ *Ibid.*, 9:23, Sect. 115, p. 389.

⁷⁴ Burgess, *VL*, 255-56.

Moral Law. Their phraseology of “Besides this law, commonly called moral, God was pleased to give to the people of Israel...ceremonial laws” forces the careful reader to two conclusions.⁷⁵ First, the Moral Law is the thematic emphasis of paragraphs one and two. Until paragraph three, the Moral Law was referred to as “a Law” (19.1) and “This Law” (19.2). In paragraph three, “this Law” is identified as the law “commonly called Moral.”⁷⁶

The second conclusion is that another legal category distinct from the Moral Law is introduced and discussed as in paragraph four, where the same introduction takes place for the “Judicial Laws.”⁷⁷ Once the ceremonial and judicial categories were denoted, the Assembly returned to Moral Law in paragraph five and continues the theme until the end of the chapter. By doing so, Westminster affirmed two crucial points. The first is their adherence to the tripartite division of biblical Law. The second is their view of Moral Law’s preeminence above the other two. This view of preeminence is supported not only by the more considerable degree of attention given to it within the *Confession* but also by the fact that only the Moral Law is formally addressed in the *Larger* and *Shorter Catechisms*.

The practice of dividing the laws given at Sinai into the threefold distinction of the moral, ceremonial, and judicial was a well-established theological tradition when the *Westminster Confession* was written.⁷⁸ Cawdrey alluded to the commonality of this tradition when he stated, “The whole of Gods Lawes recorded in Scripture, may well be divided (as it is usuall) into 3. Ranks, Ceremoniall, Judiciall, and Morall.”⁷⁹ Bolton saw no need to defend this well-attested tradition. He quickly distinguished them and returned to his apologetic defense of the Moral

⁷⁵ Comp. William Ames, who when distinguishing the Moral Law, stated, “It does not pertain to one race, as a judicial law, nor for a certain period of time, as a ceremonial law, but it is a common law for all races, times, and persons.” William Ames, *A Sketch of the Christian’s Catechism*, trans. Todd M. Rester (Grand Rapid, MI: Reformation Heritage Books, 2008), Lord’s Day Lesson 34, p. 155.

⁷⁶ WCF 19.1-3.

⁷⁷ WCF 19.4.

⁷⁸ For a thorough treatment of the tripartite division, see Philip S. Ross, *From the Finger of God: The Biblical and Theological Basis for the Threefold Division of the Law* (Scotland: Christian Focus Publications, 2010).

⁷⁹ Cawdrey, CSV, 3.

Law's perpetuity.⁸⁰ Gouge simply asserted the tripartite validity with the words, "The Jewes were under a threefold Law, Morall, Ceremoniall, and Judiciall."⁸¹

Burgess acknowledged that some did not hold to this tripartite division in his day, yet stated, "We will not meddle with the Queries that may be made about this division. We may, without any danger, receive it."⁸² Therefore, assembly members knew of the arguments against the tripartite division but felt no need to deny it, nor did they have reservations in applying it in their personal writings or the *Confession*.

Westminster theology placed clear demarcations between the moral, judicial and ceremonial precepts as found in Scripture. Although the entirety of chapter four provides an in depth defense, the Moral Law was characterized by statutes of a perpetual nature in contrast with those of a temporal nature. Therefore, Israel's Ceremonial and Judicial Laws, by their temporal nature, are classified differently from Moral Law by Westminster. The Judicial Law, as stated above, regulated Israel as a nation and directed relationships between the people by providing a national jurisprudence. On the other hand, the Ceremonial Law regulated Israel's relationship to God through its ritual directives for worship. Yet, its distinctive characteristic requisite for a precept's classification as Ceremonial Law was its *typology*.

Legal Typology

Law and typology are both set down in Scripture, however, in biblical law there is a mixture of them to an unparalleled degree. As viewed by assembly members, the mixed expression of law and typology can be summarized as either *circumstantial*, *secondary*, or *primary*. Typology was circumstantial for the Moral, secondary for the Judicial, but primary for the Ceremonial Law and this distinction is crucial to Westminster's tripartite division.

Moral Law and Typology: Circumstantial

⁸⁰ Bolton, *TBCF*, 55-56.

⁸¹ Gouge, *Hebrews*, 7:12, Sect. 68, p. 170. In a catechism referring to Assembly member Joseph Caryl as Imprimatur, the author stated the Jews distinguished God's law into "judiciall, Ceremoniall and Morall." Robert Ram, *The Countrymans Catechisme: Or, A Helpe for Housholders to Instruct Their Families in the Grounds of Christian Religion: By Robert Ram Minister of Spalding in Lincolnshire* (London: Imprimatur Joseph Caryl, 1655), 31.

⁸² Burgess, *VL*, 147-48.

Admittedly, of the three, Moral Law is the most controversial when attributing a typological application. Some believed typology could be associated with it while others staunchly denied it. Thomas Goodwin held that Moral Law did not possess a typical or foreshadowing essence.⁸³ In contrast, Bolton stated, “if we *consider* them as *Types*, so the Morall Law was the *Copy* of our holinesse.”⁸⁴ In Goodwin’s defense against Bolton, one might argue that Moral Law, like all other divine commands, regulates conduct in regard to righteousness and holiness and thus they are more properly directives rather than foreshadowing types.

Nonetheless, the typology found associated with this legal corpus is not rooted in the nature of the laws but rather the circumstances annexed to them. An example is the preface to the giving of the Decalogue found in Exodus 20:2 which states, “I am the LORD your God, who brought you out of the land of Egypt, out of the house of slavery.” This verse manifests God’s sovereignty and faithfulness as a covenant-keeping God.⁸⁵ As the *Westminster Larger Catechism* teaches, this important historical event also typifies that “he delivers us from our spiritual thralldom; and that therefore we are bound to take him for our God alone, and to keep all his commandments” as was Israel.⁸⁶ The typology is not drawn from the precepts of the Decalogue but from its attached preface (Ex. 20:2).

There are also those circumstantial elements associated with the Decalogue as given to Israel. Accordingly, some aspects annexed to the ten precepts were particular to Israel. Notice how John Wallis differentiated between the two,

I agree also that the Law of the *Decalogue* or *Ten Commandments*, though then given peculiarly to *Israel*, is Obligatory to *Us* also. For though some Clauses therein do peculiarly respect them; as that *who brought thee out of the land of Egypt out of the house*

⁸³ “You have it expressly in Heb. 10:1. (Let us go up and down still, and examine the Scriptures which speak to this comparison.) 'The law,' saith he, 'having a shadow of good things to come' (he speaks expressly of the ceremonial law, for the moral law had it not), 'and not,' saith he, 'the very image of the things.'” Thomas Goodwin, “A Discourse of the Glory of the Gospel,” in *The Works of Thomas Goodwin*, vol. 4 (Grand Rapids, MI: Reformation Heritage Books, 2006), 324.

⁸⁴ Bolton, *TBCF*, 395-96.

⁸⁵ *WLC* Q. 101. Walker stated, “as he delivered the naturall Israell from Aegyptian bondage, so by that typicall deliverance did foreshew and prefigure the spirituall redemption of all the spirituall Israell from all spirituall bondage under sinne, the world, and the Divell.” Walker, *DS*, 62.

⁸⁶ *WLC* Q. 101. Cf. *WSC* Q. 44, “What doth the preface to the ten commandments teach us? A. The preface to the ten commandments teacheth us, That because God is the Lord, and our God, and Redeemer, therefore we are bound to keep all his commandments.”

*of bondage, and that thy days may be long in the land which the Lord thy God giveth thee, (which I think is there said with a particular respect to the land of Canaan, which God gave to Israel, not to us;) yet the Body of that Law and the preceptive part of it, I take to be Obligatory to others also, and to Us in particular.*⁸⁷

Wallis noted the preface but also referred to the promise of long life within the land of Canaan. This promise was particularly given to Israel and “not to us” according to Wallis.⁸⁸ Israel was the visible Church of the Old Testament. Because their land was a typical land, one can see how typical conclusions are drawn from this ancillary information rather than the precept to which it is attached. For if God promised long life in the land of Canaan to Old Testament Jewish children who obeyed their parents, why shouldn’t the Apostle Paul apply a similar promise of benefit from Christ to believing Gentile children living in Ephesus (Eph. 6:1-3)? Whatever the case, the emphasis is that the Moral Law was not typical by its nature.⁸⁹

Burgess, who quoted Calvin, saw another correlation between the Moral Law and Christ. Although not necessarily typological, it was understood as teleological. As Burgess stated,

there are different conjectures; some make it no more then *extremitas*, or *terminus*; because the ceremonial Law ended in Christ: Others make it *finis complementi*, the fulness of the Law is Christ: Others adde, *finis intentionis*, or *scopi* to it; so that by these the meaning is, The Law did intend Christ in all its ceremonials and moralls, that, as there was not the least ceremony, which did not lead to Christ; so not the least *iota* or *apex* in the morall Law, but it did also aime at him.⁹⁰

Burgess then summarized Calvin in that the law not only has Christ as its aim, Christ is the essence of dutiful obedience to all laws

We have a noble place, proving, that the Law in all its parts did look to Christ; yea whatsoever the Law teacheth, commandeth, or promiseth, it hath Christ for its scope. What had it been for a Jew to pray to God, if Christ had not been in that prayer? to love God, if Christ had not been in that love?⁹¹

In this way, the Moral Law has a teleological function or scope just as the Ceremonial. There is a correlation with this view and that above by Bolton. Its goal, end, and aim are all directed to Jesus Christ no less than the Judicial and Ceremonial Law. For Burgess and Calvin, carrying out

⁸⁷ Wallis, *Christian Sabbath*, 3-4.

⁸⁸ *Ibid.*

⁸⁹ Someone could argue that Paul is employing the equity of the law by analogy instead of a typical aspect of it, yet the typology of the land cannot be ignored.

⁹⁰ Burgess, *VL*, 7.

⁹¹ *Ibid.*

the Moral Law's directives without any eye to Christ was ignorant and unwise. In this sense, Christ and love for him are the motives of obedience. Regardless, there is a significant difference in this exhibition of Christ (or personal holiness) than Christ typified or foreshadowed by the Ceremonial Laws.

Mixed Moral Precepts and Typology

One caveat to mention is that of mixed precepts. A mixed precept or ordinance is a precept that contains elements particular to any two or even all three of the legal species distinguished as moral, judicial, and ceremonial.⁹² Examples of mixed precepts containing all three categories of law are the slain man found in a field (Deut. 21:1-9), the Cities of Refuge (Num. 35), the water ordeal for a jealous husband (Num. 5), and even the Fourth Commandment (Ex. 20:8-11).⁹³ A mixed precept containing a ceremonial and a moral aspect will have a typological connection due to the ceremonial part. It is therefore important to be able to distinguish between the two because the ceremonial aspect will be typological, not the moral.

Judicial Law and Typology: Secondary

The *Confession* clearly ascribed a typological nature to the Ceremonial Law by referring to them as 'typical ordinances' foreshadowing Christ in "His graces, actions, sufferings, and benefits."⁹⁴ In contrast, no acknowledgment of typology is given in the parallel section on civil law (19.4). This omission does not mean the Assembly denied any typical relation of the civil laws.⁹⁵ Instead, it means that, for whatever reason, they saw no need to state it in the *Confession*. The more plausible reason is because typology was not the foremost function of the Mosaic Judicial Laws but *secondary*.

⁹² See a fuller treatment of mixed precepts in chapter eight.

⁹³ The fourth commandment has the evangelical element of spiritual rest from sin as a benefit of Christ that is annexed to the original non-salvific aspect of physical rest within creation (Heb. 4:1-11). Nehemiah 13:15-21 reflect that civil ramifications are included because rest on the Sabbath was a public matter as well as private.

⁹⁴ WCF 19.3.

⁹⁵ As the following quotes demonstrate, there was a belief that the judicial precepts typified Christ's kingly rule. Yet, George Gillespie, after speaking of the typical nature of the Ceremonial Law, stated, "but the Judicial law was not Typical." George Gillespie, *Wholesome Severity Reconciled with Christian Liberty, Or, the True Resolution of a Present Controversie Concerning Liberty of Conscience Here You Have the Question Stated, the Middle Way Betwixt Popish Tyrannie and Schismatizing Liberty Approved and Also Confirmed from Scripture and the Testimonies of Divines, Yea of Whole Churches : The Chiefe Arguments and Exceptions Used in the Bloody Tenent, the Compassionate Samaritane, M.S. to A.S. &c., Examined : Eight Distinctions Added for Qualifying and Clearing the Whole Matter : And in Conclusion a Parænetick to the Five Apologists for Choosing Accommodation Rather than Toleration* (London, 1645), 8.

As stated above, Bolton supplied three purposes of the Judicial Law with the third being that “the government of *Christ* might be typified.”⁹⁶ Although Bolton included typology, he listed it last. Like Bolton, other theologians gave evidence to the typical nature within the civil law even though it is not as *evident* or *abundant* as in the ceremonial ordinances. The acknowledgment of Christ’s kingdom and rule as the antitype of this legal corpus reminds the believer that Christ’s Kingly office is just as essential as His priestly office for his mediatorial work. His kingly office is more fully portrayed in the narrative typology of Israel’s kings than in her civil laws.

This view was not novel. Augustine had stated some twelve hundred years before Bolton that “the Hebrew nation” as a “commonwealth was, as it were, consecrated to prefigure and fore-announce the city of God which was to be gathered from all nations”⁹⁷ As these theologians confess, the Mosaic civil laws provided a common equity, righteousness and justice for Israel that was unparalleled (Deut. 4:7-8) yet, they also foreshadowed the righteous rule of Christ in his kingdom, the Church (*WCF* 25.2).

This type/antitype associated with the Judicial Law parallels that of the Ceremonial in that they too teach concerning the person and work of Christ. As it pertains to the offices of Christ, the Judicial Law sets forth Christ in his kingly office while the Ceremonial more readily emphasized his Priestly office. Nonetheless, the typical characteristic of Judicial Law was not perceived as the chief function and therefore, is not highlighted in the *Confession*.

Ceremonial Law and Typology: Primary

Unlike narrative types where not every person, place, or thing is automatically perceived as a type, every ceremonial Law, according to Westminster theologians, is. The typical nature of these ordinances was the distinguishing characteristic that led Cawdrey and Palmer to refer to

⁹⁶ Bolton, *TBCF*, 72. Other notable theologians such as Jonathan Edwards likewise noted the typology of Judicial Law. “also those that were political, for regulating the Jewish commonwealth, commonly called judicial laws, were many of them typical.” Jonathan Edwards, *The Works of Jonathan Edwards*, vol. 1 (Carlisle, PA: The Banner of Truth Trust, 1992), 548, IV.IV.

⁹⁷ Augustine of Hippo, *The City of God*, ed. Philip Schaff, trans. Marcus Dods, vol. 2, A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church (Buffalo, NY: Christian Literature Company, 1887), 203. Likewise Gouge stated concerning Christ’s kingdom that “it was typified, as by the Kingdom of other Kings of *Judah*, so in particular by the Kingdom of *David*, 2 Sam. 7. 12, 13, 16. Isa. 9. 7. & 16. 5. Jer. 23. 5, 6. & 33. 17.” Gouge, *Hebrews*, 1.8, Sect. 112, p. 76.

them as the “Typicalls.”⁹⁸ Typology was so essential that Cawdrey believed every ceremonial ordinance must be typical by its very nature, even if its typical significance could not be clearly discerned.⁹⁹ He ground his belief in Hebrews 8:5, which speaks of the heavenly Tabernacle of which the earthly one was but a shadow.¹⁰⁰ Thus everything associated with the earthly Tabernacle was somehow typical of the antitypical one upon which it was formed. Accordingly, Cawdrey esteemed “all the Jewish Rites (though we be not able to riddle every one) to have been Typicall.”¹⁰¹ Therefore, unlike other legal corpora, typology was *primary* for Ceremonial Law and served as its requisite classificational quality.

Conclusion

By comparing the *WCF* with other contemporary confessions that used it as a *vorlage*, it was determined that the phrase in question was left intact.¹⁰² This comparison proved that other current Protestant groups of their day, such as the Congregationalists and Particular Baptists, perceived the phrase as biblically valid even though they made minor alterations to other parts of the paragraph.

An examination of *WCF* 19 revealed five parallels discernable within paragraphs three and four, which have gone formally unacknowledged by commentators on the Westminster Standards. The Assembly’s views concerning the commonalities and distinctions between the two legal corpora given to Israel are quickly discovered by charting these parallels. The differences reinforce Westminster’s tripartite division and the role of each legal corpus for directing a particular sphere of government within Israel. These observations align with assembly members’ personal writings, making them more apparent and relevant within their systematic treatments of biblical law. The first parallel revealed how these positive laws were unique to Israel and set them apart from other nations. Because God prescribed them, these

⁹⁸ Cawdrey, *CSV*, 6, 30.

⁹⁹ Ashbel Green differed with Cawdrey on this point stating, “Almost all the ceremonial institutions were of a typical nature.” Ashbel Green, *Lectures on the Shorter Catechism of the Presbyterian Church in the United States of America, Addressed to Youth by Ashbel Green* (Philadelphia, PA: Presbyterian Board of Publication, 1841), 18.

¹⁰⁰ Cawdrey, *CSV*, 5. John Maynard also believed that because the heavenly tabernacle was the pattern for Israel’s tabernacle, the ceremonial ordinances are “figures of Heavenly and spiritual things.” Maynard, *LGR*, 77.

¹⁰¹ *Ibid.*, 5.

¹⁰² A *vorlage* is German for a template, pattern, or prototype for something else and especially applies to copies of texts.

precepts could not be set aside except by God. As divinely given, they were morally binding upon Israel and produced a double obligation upon her as the people of God.

By examining *WCF* chapter nineteen as a whole, the Moral Law's preeminence above that of the Mosaicals is revealed within its tripartite structure. Within that structure, Ceremonial Law's requisite quality of typology was highlighted. The topic Moral Law's preeminence is reserved for the following three chapters. It seems only logical that if moral ties were ascribed to the Ceremonial Law, then the Assembly's view of Moral Law must be thoroughly understood at the outset. This chapter has also reserved the last two parallels for chapters seven through nine of the thesis. This omission was done because they concern the concepts of abrogation and some continuing obligation, which is the tension this thesis seeks to address concerning the language of paragraph three.

CHAPTER 3: MORAL LAW: EVENTS & EXPRESSIONS

This chapter continues examining the third parallel concerning the tripartite division of Biblical law as espoused in the *Westminster Confession of Faith*, in particular, Moral Law’s preeminence.

5 Parallels	WCF 19.3: Ceremonial	WCF 19.4: Judicial
Parallel 1	“God was pleased to give”	“he gave” (God)
Parallel 2	“to the people of Israel, as a Church under age”	“To them also, as a Body Politique” (Israel)
Parallel 3	“Ceremoniall Laws”	“sundry Judicial Laws”
Parallel 4	“now abrogated under the new Testament”	“expired together with the State of that People”
Parallel 5	“partly, holding forth divers instructions of moral duties”	“not obliging any other now, further than the general equity thereof may require”

Westminster’s adherence to biblical law’s tripartite division becomes more crucial as the remaining literary parallels between paragraphs 19.3 and 19.4 are better understood. In doing so, Westminster’s view of Moral Law must be examined because chapter 19 of the *Confession* has the Moral Law as a thematic focus, and because this thesis seeks to understand the moral connections associated with the Ceremonial Law. Moral Law’s preeminence is a common theme in their writings and their arguments for its preeminence are summarized as the *events*, *expressions*, and *essence* of Moral Law.

Events Surrounding the Giving of the Decalogue

When the Assembly referenced the events surrounding the giving of the Moral Law, their focus was the divine actions associated with the giving of the Decalogue at Mount Sinai. They perceived the Decalogue as a summary of Moral Law, and therefore, the preeminence ascribed to the Decalogue pertained to all moral laws.¹ References to these events are as brief as declaring God’s immediate writing of the Decalogue or as exhaustive as a list of all the circumstances

¹ WLC Q. 98; WSC Q.41.

surrounding its giving.² God’s writing these laws upon stone tablets was the most common appeal. This symbol of perpetuity set these summary laws apart from all others deemed temporary. Burgess intended as much when he stated, “only that which we call the Morall Law, had the great prehemineny, being twice written by God himself in tables of stone.”³

Others, seeking to buttress their apology for the Moral Law’s preeminence, added some or all of the awe-inspiring events surrounding the giving of the law at Mt. Sinai.⁴ Cawdrey gave one of the more extensive treatments by dividing them into their “delivery,” “recording,” and “reserving.”⁵ He referenced the majestic *delivery* that was vocally given by God, heard by the people, and accompanied with great terror.⁶ This pronouncement was accompanied by thunder, lightning, fire, thick smoke, the quaking mountain, and an exceedingly loud Trumpet sound.⁷ Their unique *recording* is underscored because God, not Moses, wrote them twice.⁸ These stone tablets, now written by the finger of God, were *reserved* within the Mercy Seat for safekeeping (Heb. 9:4). By this reserving act, God

takes a most singular order to have them most remarkably under His own custodie, His own hand or wing; for He appointed an Ark to be made, on purpose to keep them in, which Ark was the principall signe of His presence, among that people.⁹

Some referenced the events *preceding* the giving of the Ten Commandments as signifying the Moral Law’s preeminence. Beforehand, the people were required to set bounds around the

² Walker, *DS*, 61; Burgess, *VL*, Lect. 16, 157-158; Cawdrey, *CSV*, 42-43.

³ Burgess, *VL*, 147. Cf. Bolton, *TBCF*, 75; Gouge, *Sabbath’s Sanctification*, Q. 74; Maynard, *LGR*, 76; Walker, *DS*, 61; Young, *Lord’s Day*, 135. The *Belgic Confession* emphasized the same when in Article 3 on the written Word of God they stated that God “himself wrote with his own finger the two tables of the law. Philip Schaff, *The Creeds of Christendom, with a History and Critical Notes: The Evangelical Protestant Creeds, with Translations*, 6th ed., vol. 3 (New York, NY: Harper & Brothers, 1882), 385.

⁴ Cawdrey, *CSV*, 41-44. Cf. Robert Steel, *The Shorter Catechism with Proofs, Analyses, and Illustrative Anecdotes, &c. for Teachers and Parents* (London: T. Nelson and Sons, Paternoster Row, 1888), 133. J. J. Lim, *The Westminster Shorter Catechism with Explanatory Notes* (Singapore: Pilgrim Covenant Church, 2018), Q. 41.

⁵ Cawdrey placed this information within his argument to prove that a positive law may be moral and perpetual. Cawdrey, *CSV*, 41-44.

⁶ *Ibid.*, 42.

⁷ Exodus 19. Cawdrey, *CSV*, 42. Cf. Burgess, *VL*, Lect. 16, 156-57.

⁸ Cawdrey, *CSV*, 42-43.

⁹ *Ibid.*, 43.

mountain and sanctify themselves for two days in preparation for this divine encounter.¹⁰

Whether the author chose one or all, the purpose was always to distinguish the Moral Law from other Mosaical laws. By omitting such events with the giving of other laws, God testified to the Moral Law's uniqueness and importance above all others. As Cawdrey stated,

Each of these prerogatives (single) hath a great weight in it, to recommend these Lawes;
But all of them together doe make such a strong chaine of obligation, and doe so
wonderfully difference these from all the rest.¹¹

Expressions of Moral Law

The second argument demonstrating Moral Law's preeminence was its threefold expression of Natural Law, the Decalogue, and the Scriptures. Thomas Boston represented Westminster's view of Moral Law's threefold expression in his commentary on the *Shorter Catechism*. He stated that "moral law is found, 1. In the hearts of all men,... 2. In the 10 Commandments summarily. 3. In the whole Bible largely."¹² Although, in essence, each one of the three expressions is considered moral, there were distinctions observed between them. By the degree of *specificity*, Natural Law would be regarded as the least of the three due to human depravity. The Decalogue, seen as a restatement of Natural Law, was termed a summation of Moral Law, yet now rewritten with clarity and precision. Lastly, humanity's fullest and clearest expression of Moral Law is the Scriptures of the Old and New Testaments. Regarding *revelation*, Moral Law increased from Natural Law at Creation, to the Decalogue at Mt. Sinai, to its fullest expression in the Scriptures. The first is considered an unwritten law, while the latter two are written laws.¹³

¹⁰ Burgess, *VL*, Lect. 16, 155-56. Cawdrey said it is three days but the third is actually the day upon which the law was given. Cawdrey, *CSV*, 42.

¹¹ *Ibid.*, 44. This approach has continued until present day as the latest exposition of the WSC by Lim demonstrates. Lim stated, "the Decalogue which, unlike all other of God's commandments, was issued with a special and awesome introduction (Ex 19: 16–22); was spoken directly to the people (Ex 20: 1, 19); was personally inscribed by God Himself twice on two tablets of stone (Ex 24: 12; 31: 18; 32: 16; 34: 1, 28); and was alone placed inside the ark (Ex 25: 16; Heb 9: 4). The fact that such special dignity and honor are assigned to these commandments as distinct from all other commandments in the Old Testament indicates that they are of different nature from the other laws, they being alone perpetual and universal." Lim, *Shorter Catechism*, 45.

¹² Thomas Boston, *Commentary on the Shorter Catechism*, 1853 ed., vol. 2 (Edmonton, AB, Canada: Still Waters Revival Books, 1993), 61.

¹³ "We understand that the law of nature—not the written law but that which is grafted in man – has the same office that the written law has." Bullinger, *Decades*, 2–1, ii.95. Cf. Johannes Althusius, *On Law and Power*, ed. Jordan J. Ballor and Stephen J. Grabill, trans. Jeffrey J. Veenstra, Sources in Early Modern Economics, Ethics, and Law (Grand Rapids, MI: Christian's Library Press, 2013), 1.14, p. 12, 21.

Natural Law

Many espoused as the unwritten law what was inscribed upon the human heart. Just as God wrote the Decalogue upon stone tablets, he also wrote Natural Law on the human heart. Although engraved upon the heart, Natural Law is considered an unwritten law because there is no physical copy of it as with the Tablets of Stone or the pages of Scripture.¹⁴

Natural Law Distinguished from Laws of the Created Order

Natural Law had nothing to do with brute beasts or laws governing the created order.¹⁵ Because the term *laws of nature* refers to both, it must be distinguished from such creational phenomena as animal instincts, gravity, or the water cycle when it intends Moral Law.¹⁶ Natural Law as moral laws concerned humankind's conduct as reasonable creatures made in the image of God.¹⁷ Therefore, they pertain to the perpetual moral duties each person owes to God and each

¹⁴ Wolfgangus Musculus limited the definition of "the Lawe wrytten" to those laws "which God gave unto Israel by Moses." Wolfgangus Musculus, *Common Places of Christian Religion, Gathered by Wolfgangus Musculus, for the Use of Such as Desire the Knowledge of Godly Truth, Translated out of Latine into English by John Man of Merton Colledge in Oxforde* (London: Imprinted by Henry Bynneman, 1578), 34b.

¹⁵ "It is distinguished from (1) natural laws, as of day and night, bounds of the sea, growth and decay, etc." Archibald Alexander Hodge and J. Aspinwall Hodge, *The System of Theology Contained in the Westminster Shorter Catechism Opened and Explained* (Eugene, OR: Wipf & Stock Pub., 2004), 83. "When we refer to the natural law of God here, we are speaking not of the natural (created) order but of the nature or essence of the being of God." R. C. Sproul, *Truths We Confess: A Systematic Exposition of the Westminster Confession of Faith* (Reformation Trust, 2021), 424. Comp. Girolamo Zanchi, *On the Law in General*, ed. Stephen J Grabill and Jordan J. Ballor, trans. Jeffrey J Veenstra, *Sources in Early Modern Economics, Ethics, and Law* (Grand Rapids, MI: Christian's Library Press, 2012), see his introduction to Natural Law between theses 7 and 8, p. 9-13. Another distinction is made by Ernest Kevan concerning the ideas of what he referred to as "naturalistic" and "supernaturalistic" which are both contrary to the Puritan view of Natural Law and are opposite extremes of each other. The naturalistic view denies men need any "Biblical or Christian revelation" to understand but, instead "perceive this law by the light of natural reason." The supernaturalistic view is "that there is no genuine knowledge of the Law of God except by personal experience of the saving grace of Christ" due to humanity's fallen condition which makes them wholly "unable to form any true idea of justice and goodness, and, therefore, that no such thing as natural Law exists." Ernest F Kevan, *The Grace of Law: A Study in Puritan Theology* (Morgan, PA: Soli Deo Gloria Publications, 1997), 57.

¹⁶ "Q. 1. Is every man under the Direction and Obligation of a Law? A. Yes; being a reasonable Creature is capable of, and fitted for Government by Law, which other Creatures are not; and being an accountable Creature to God, must needs be under a Law." John Flavel, "An Exposition of the Assemblies Catechism," in *The Works of John Flavel* (Carlisle, PA: The Banner of Truth Trust, 1997), 102. Many Protestant writers make this distinctive clarification in their treatment of Natural Law, cf. Zanchi, *On the Law*, 9; Turretin, *Institutes* vol. 1, 1.10; Polyander, *SPT*, vol. 1, Disp. 18.21-24. For a more in depth discussion of the difference between the Providential Government and Moral Government of God over Creation, see, Edward D. Morris, *Theology of the Westminster Symbols, A Commentary Historical, Doctrinal, Practical, on the Confession of Faith and Catechism and the Related Formularies of the Presbyterian Churches* (Columbus, OH: The Chaplin Press, 1990), 294-97.

¹⁷ Richard Byfield, *The Doctrine of the Sabbath Vindicated in a Confutation of a Treatise of the Sabbath, Written by M. Edward Breerwood against M. Nic. Byfield, Wherein These Five Things Are Maintained: First, That the Fourth Commandment Is given to the Servant and Not to the Master Onely. Secondly, That the Fourth Commandment Is Morall. Thirdly, That Our Owne Light Workes as Well as Gainefull and Toilesome Are*

other.¹⁸ Humanity's capacity to reason or its "reasonable soule" distinguishes them from animals and inanimate objects, thereby creating an ethical accountability to God's commands.¹⁹ As Bolton stated, "for take away the end which every reasonable creature, as reasonable, propounds in actions, and you levell him with a beast."²⁰ For Bolton, what elevates humans above the animal kingdom is that they can consider the end, goal, or consequence of a matter as reasonable creatures. Cawdrey's assessment accords with the definition of Natural Law provided by Polyander in the *Synopsis of a Purer Theology*, which was, "[n]atural law is the light and direction of sound reason in the intellect, informing man with common notions to distinguish right from wrong, and honorable from shameful—so that he may understand what he should do or shun."²¹

Natural Law's General Principles and Conclusions

Natural Law was unanimously understood as comprised of general principles rather than particular precepts.²² From these general principles, conclusions are formulated due to the

Forbidden on the Sabbath. Fourthly, That the Lords Day Is of Divine Institution. Fifthly, That the Sabbath Was Instituted from the Beginning, by the Industrie of an Unworthy Labourer in Gods Vineyard, Richard Byfield, Pastor in Long Ditton in Surrey (London, 1631), 12, see also 32-33.

¹⁸ "[T]he image of God did primarily consist in righteousness and true holinesse; yet secondarily it did also comprehend the powers and faculties of the reasonable soule in the acts thereof: And this later part abideth." Burgess, *VL*, 67. See also 132.

¹⁹ *Ibid.* "When that stated Order of Things, whereby the Actions even of inanimate Creatures are regulated according to the Appointment of the great Creator's Will, (when he first framed them, and push'd them into Motion) is called the *Law of Nature*; we cannot apprehend it as a Precept, or Rule of Duty establish'd with a Sanction to those things, which being without Sense or Life, know nothing of the Matter. This Law is not a Precept given to such Creatures, but the Power of God working in them, and acting them to move according to that Order which he hath set for the Administration of all things in the Universe. Who will say, that the Sun doth its Duty in performing its constant laborious Course, or that a Reward is due when it hath done its Work? And yet it is by a Law, tho not any Precept, that it moves so orderly; and a Law it is, without any promise of Recompence for observing and keeping duly the mark'd-out Course, or threatning a Penalty for deviating from it. It is by the same Law of Nature that the Fire always burns, the Planets perpetually move, the Earth never totters from its Centre, and yet they are not to be recompenc'd for such their exact Observance. And if on the contrary, the Fire should freeze us, the Planets stop their orderly Dance, or march so irregularly as to break all their Ranks, and the Earth shake and fall from its plac'd Foundation, they would not be liable to undergo any Punishment. And now, Fire, Air, Earth, and Water, and the Heavenly Bodies, are well enough said to act by a Law, tho they have no Rule of Duty given them, nor are obnoxious either to Rewards or Punishments. Well then, as the settled Order of the Universe is called a *Law*, the Gospel may obtain the same Name in that Sense." Thomas Goodwin, *A Discourse Of The True Nature Of The Gospel; Demonstrating That It Is No New Law, But A Pure Doctrine Of Grace. In Answer to the Reverend Mr. Lorimer's Apology* (London: Printed by J. Darby, 1695), 5–6.

²⁰ Bolton, *TBCF*, 275.

²¹ Polyander, *SPT*, vol. 1, Disp. 18.13.

²² When Cawdrey mentioned the "Lawes of Nature" as part of those moral laws found in Scripture, he clarified his meaning in a parenthetical statement which says, "and written plainly, or at least in their Principles, in

necessity of specific circumstances.²³ Conclusions were derived by the use of reason given to humanity as both image-bearers and rational creatures.²⁴ To account for every possible scenario would require an innumerable number of particular precepts. Consequently, God provided general principles from which conclusions are reasonably deduced and applied to specific situations.

Agreeing with the Schoolmen, Cawdrey stated, “Although in themselves the precepts of the Law of Nature are many, yet may they all be reduced to this one; Good is to be prosecuted, Evil is to be avoided.”²⁵ These general principles were applied to the varying circumstances of life that each individual would encounter. They served as an inner light to guide decision-making. Bullinger adequately stated the intent of these principles by saying that they are “to direct men and to teach them, and to discern between good and evil, and to be able to judge about sin.”²⁶ Employing these principles in decision-making led to what these men referred to as conclusions.²⁷ These conclusions were also viewed as Natural Law but were rational deductions

all mens hearts.” Cawdrey, *CSV*, 7, 9; Burgess, *VL*, 62; Walker, *DS*, 40; Comp. the Continental divines as represented in Polyander, *SPT*, vol. 1, Disp. 18.13-15; Franciscus Junius, *The Mosaic Polity*, ed. Andrew M. McGinnis, trans. Todd M. Rester, Sources in Early Modern Economics, Ethics, and Law (Grand Rapids, MI: Christian’s Library Press, 2015), thesis 4; and Zanchi, *On the Law*, thesis 8.

²³ Polyander, *SPT*, vol. 1, Disp. 18.10; Junius, *Mosaic Polity*, thesis 2; See especially Aquinas whose section on eternal law begins with a quote by Augustine on the issue. Thomas Aquinas, *Summa Theologica* (London: Burns Oates & Washbourne, n.d., 1921), I-II q.94 a.6 s.c.-ad3.

²⁴ Flavel concluded that “every man” is “under the Direction and Obligation of a Law” because “being a reasonable Creature [he/she] is capable of, and fitted for Government by Law, which other Creatures are not; and being an accountable Creature to God, must needs be under a Law.” Flavel, *Exposition of the Assemblies Catechism*, Q. 40, q. 1, p. 102. “THAT Nothing else but God’s Precepts can be the Rational Creature’s Duty. Nothing else can bind our Consciences.” Samuel Willard, *A Compleat Body of Divinity in Two Hundred and Fifty Expository Lectures on the Assembly’s Shorter Catechism*, vol. 1 (Boston: H. Green and S. Kneeland for B. Eliot and D. Henchman, and Sold at their shops, 1726), Sermon 97, Q. 39, p. 562.

²⁵ Cawdrey, *CSV*, 11.

²⁶ Bullinger, *Decades*, 2-1.ii.195. Girolamo Zanchi added the important relationship of the conscience to his definition of Natural Law. Not only does it direct in good or evil conduct, to God and neighbor, in public or private, but “In addition, we know that if we do what should be avoided or avoid what we should do, we are condemned; but if we do the opposite, we are defended and absolved.” This condemnation and defense is derived from the internal witness of the conscience concerning the conduct of the individual according to the internally written law on the heart. Zanchi, *On the Law*, thesis 8, p. 13-14, 17.

²⁷ Cawdrey, *CSV*, 11; Polyander, *SPT*, vol. 1, Disp.18.14; Junius, *Mosaic Polity*, thesis 4; Althusius, *On Law and Power*, 1.13.16; Matthew Hale, *Of the Law of Nature*, ed. David S. Sytsma, Sources in Early Modern Economics, Ethics, and Law (Grand Rapid, MI: Christian’s Library Press, 2015), 65. Matthew Hale’s influence on Common Law in England cannot be estimated. Proclaimed by historians as one of England’s greatest jurists, his fame is ranked among that of Sir Edward Coke and Sir William Blackstone. It is said that two of his posthumous publications influenced two centuries of legal thought (*Historia placitorum coronae* and *History of the Common Law of England*). Information taken from David S. Sytsma’s General Introduction. *Ibid.*, xi.

drawn from the general principles.²⁸ For example, since God exists (Principle), God must be worshiped (Conclusion).

It must be noted that not all agreed on what was a principle and what was a conclusion.²⁹ Great liberality prevailed for differences in any exhaustive list of those principles. Yet, topping the list of these “common notions and maxims” inscribed upon the heart is that “there is a God.”³⁰ Another principle Burgess called “that grand rule of nature,” is the Golden rule found in Matthew 7:12, known as *do unto others as you would have others do unto you*.³¹ In his exposition of the *Westminster Confession of Faith*, Robert Shaw stated concerning Natural Law,

It’s general principles, such as, that God is to be worshiped, that parents ought to be honored, that we should do to others what we would reasonably wish that they should do to us-- such general principles as these are still, in some degree, engraven on the minds of all men.³²

Like the liberality in listing principles, liberality in describing distinctions among those principles and conclusions was also granted. Burgess divided the Principles into “speculative” and “practical principles.”³³ A “speculative principle” is “that there is a God,” while a “practical principle” is “that good is to be embraced, and evil to be avoided.” Cawdrey held that not all precepts of Natural Law were “of equall evidence or clearnesse, but admit of Degrees.”³⁴ Therefore, some he termed “conclusions” and divided into the dual categories of “immediate” or “mediate.”³⁵ There were only two immediate conclusions in his schema: love the Lord with all

²⁸ This relationship was illustrated by Cawdrey and Palmer as they discussed the two main principles remaining on the human heart in a condition of depravity. The second, “That this God must be worshipped” as they said, “results from the former” which is “That there is a God.” Cawdrey, *CSV*, 73-74. Comp. “Some of those notions are of a primary sort, we call them practical principles; others, which are secondary, we call conclusions constructed from those principles with the help of reasoning.” Polyander, *SPT*, vol. 1, 18.14. See also Junius, *Mosaic Polity*, theses 11-13, p. 68-74.

²⁹ For deeper explanation on why this phenomenon exists, see Hale, *Law of Nature*, 63-69.

³⁰ Burgess, *VL*, 62.

³¹ *Ibid.*, 82.

³² Shaw, *Exposition of the Westminster Confession*, 194. Cf. James Fisher, *The Assembly’s Shorter Catechism Explained, By Way of Question and Answer* (East Stroudsburg, PA: Dovetale Books, 2002), Q. 40, q. 7.

³³ Burgess, *VL*, 62, 67. Polyander referred to the Principles as “primariae” (primary) and the Conclusions as “secundariae” (secondary). Polyander, *SPT*, vol. 1, Disp. 18.14. Turretin used the same language as Polyander. Turretin, *Institutes*, vol. 2, 11.1.11.

³⁴ Cawdrey, *CSV*, 11.

³⁵ *Ibid.*

your heart, and love your neighbor as yourself.³⁶ *Mediate* conclusions are described as those that “arise from the former Principle, but by the interposition of the two former Conclusions. And of this kinde are confessedly some, even most of the commands of the Decalogue, if not all.”³⁷ One observation is that the farther the conclusions move from the general principles, the more particular and defined the precept becomes. Below is a chart that distinguishes what characterized a principle and a conclusion within Natural Law.

Principles (primary)	Conclusions (secondary)
General in nature	More particular in nature (due to circumstances to which the principles are applied)
Fewer in number	More numerous
Indemonstrable	Inferred
Immutable	Either immutable or mutable
Innately known to the human intellect	Derived by human intellect applying the known Principles

According to Cawdrey’s understanding, some of the Decalogue’s precepts fall under the conclusions of Natural Law. Though essentially moral, some of those commandments, or aspects of them, are not solely derived from Natural Law because some aspects are not written on the heart, as with the Second and Fourth Commandments.³⁸ For instance, since God exists (Principle), he must be worshiped (2nd Commandment), and if he is to be worshiped, some amount of time must be allotted for that worship (4th Commandment). Even though the latter two were considered conclusions of Natural Law, there remained missing information that must be revealed. Concerning the Fourth Commandment, Natural Law demands time for God’s worship, but it does not specify how much time or what day this worship takes place.³⁹ This information is provided in the Decalogue and not Natural Law. The same could be said for how one is to worship God in the Second Commandment. That God is to be worshiped does not declare how worship is performed or the requisite elements.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Second Commandment (Exodus 20:4-6) concerns the proper worship of God and the Fourth Commandment concerns the Sabbath (8-11). There is a disagreement between the Reformed and Catholics (and some Lutherans) over what the Second Commandment is and where it begins in Exodus 20. The former hold it begins at verse 4 and ends at verse 6, while the latter claim verse 7 is the second commandment. Neither time nor space will be given to this well-worn argument.

³⁹ See Cawdrey and Palmer’s lengthy explanation of this distinction. Ibid., 73-333; (chapters 6-10).

As demonstrated below, information concerning how to worship God is unveiled as God reveals the ordinances of his worship. As these conclusions are codified into statutes for the good of a commonwealth, they become laws.⁴⁰ These laws, as conclusions, were divided into either civil or ecclesiastical laws.⁴¹ The former was to govern the commonwealth, the latter the church.⁴²

Natural Law as the *Imago Dei*

Natural Law's inherent principles as written by God on the human heart were considered part of Adam's image-bearing as a rational creature.⁴³ Westminster theologians advanced two critical truths related to the *Imago Dei* and the Moral Law's preeminence. The first is that the Moral Law written on Adam's heart at creation was an aspect of the *Imago Dei*.⁴⁴ Secondly, the *Imago Dei* reveals God's holiness and humanity's duty as a rule of obedience. As for the first, which connects Natural Law with the *Imago Dei*, Bolton equated the two no less than four times

⁴⁰ Althusius, *On Law and Power*, Book 1, ch. 14, p. 21-22. Aquinas stated, "The human reason cannot have a full participation of the dictate of the Divine Reason, but according to its own mode, and imperfectly. Consequently, as on the part of the speculative reason, by a natural participation of Divine Wisdom, there is in us the knowledge of certain general principles, but not proper knowledge of each single truth, such as that contained in the Divine Wisdom; so too, on the part of the practical reason, man has a natural participation of the eternal law, according to certain general principles, but not as regards the particular determinations of individual cases, which are, however, contained in the eternal law. Hence the need for human reason to proceed further to sanction them by law." Aquinas, *Summa*, I-II q.91 a.3 ad 1.

⁴¹ Bullinger, *Decades*, 2-1, ii.206. Althusius referred to human laws as "Individual Law" which are laws "having arisen from common law [Natural Law] because of the benefit, necessity, or other circumstances of some particular state, is enacted by a magistrate." Althusius, *On Law and Power*, 1.14, p. 19.

⁴² "judicial Ordinances made for the just and peaceable government of the people, as the Ceremonial serve chiefly for the ordering of their behavior (especially) in duties of devotion towards God." *Westminster Annotations*, Exodus 21:1, [Judgments].

⁴³ Human intellect and reason is essential to Natural Law and the *Imago Dei* according to the *Synopsis of a Purer Theology*. "However, since the sacred Book does not consider mankind separately as a living being, but jointly, as a living being endowed with reason – better yet, it offers a treatment of him as a creature made in God's image – therefore our theologians restrict that natural law to mankind as its true and proper subject." Polyander, *SPT*, vol. 1, Disp. 18.25. Cf. Kevan, *Grace of Law*, 62-63.

⁴⁴ This was not a new doctrine, for William Ames had stated concerning the Moral Law that "it contains in itself the means for casting a shadow of the perfection in which man was created in his first nature, according to the image of God. For this reason, it is also called the 'law of nature,' because the rule of living that was inscribed in a man's heart and is present according to his first and pure nature is explained in this law." Ames, *Christian's Catechism*, Lord's Day Lesson 34, p. 155.

in his work.⁴⁵ For Bolton, the Moral Law “is the image of God in man, and the will of God to man.”⁴⁶ In another place, he concluded,

For what is the Law in the substance of it, but that law of nature ingraven in the heart of man in innocency? and what was that, but the expresse Idea, or representation of Gods owne image; Even a beame of his owne holinesse, which cannot be changed or abolished no more then the nature of good and evill?⁴⁷

Secondly, Jeremiah Burroughs connected the Moral Law with God’s perfection of holiness,

First, Therefore, we are to know, that the Law (I speak of the morral Law, not of the ceremonial law now, But of the morral Law, For the Apostle spake of that here in this place) the Law it is indeed the very glass of Gods holiness, I say, it is a glass of the holiness of God, in the morral Law we may see the lustre and the glory of the holiness of God himself, and therefore we are not to be delivered from it, as it is th[e] glass of Gods holiness, wherein we may see the purity of Gods Nature, the Law of God shews God to be a holy God, different from all the Heathens, who have not a holy and Righteous Law as our God hath.⁴⁸

When referring to the *Imago Dei* in humanity as a glass, Goodwin stated, “[t]he moral law it is a glass too, and a glass that revealeth God, or rather, what the image of the mind of God is. Yet it is merely a glass of the image of God in Adam’s heart, it is but a copy of the image of God in man”⁴⁹

The above quotes equated the Moral Law with the *Imago Dei* in humanity, yet others further emphasized the moral duty resulting from imprinting that moral code upon the heart. George Walker explained that Natural Law as the Image of God both informs and moves people to “practice...all duties” they are obligated to perform.

⁴⁵ Bolton, *TBCF*, 73, 77, 98-100.

⁴⁶ *Ibid.*, 100. Comp. “If the Law were blotted out, the Image of God might be blotted out, which consists in holiness and righteousness, it is Gods immutable Image, *Heb.* 8. 10.” Edward Leigh (1602-1671), *A Systeme or Body of Divinity Consisting of Ten Books : Wherein the Fundamentals and Main Grounds of Religion Are Opened, the Contrary Errours Refuted, Most of the Controversies between Us, the Papists, Arminians, and Socinians Discussed and Handled, Several Scriptures Explained and Vindicated from Corrupt Glosses : A Work Seasonable for These Times, Wherein so Many Articles of Our Faith Are Questioned, and so Many Gross Errours Daily Published / by Edward Leigh* (London: Printed by A.M. for William Lee, 1654), 747.

⁴⁷ Bolton, *TBCF*, 77.

⁴⁸ Jeremiah Burroughs, *Christ Inviting Sinners to Come to Him for Rest by Jeremiah Burroughes* (London: Peter Cole, 1659), 229. The “glass” must mean a *looking glass* by which one sees.

⁴⁹ Thomas Goodwin, “The Glory of the Gospel: A Discourse on Colossians 1:26-27,” in *The Works of Thomas Goodwin*, vol. 4 (Grand Rapids, MI: Reformation Heritage Books, 2006), 323.

The Law of nature is that will of God which he as Lord and Creatour hath imprinted in mans heart in the creation, even that naturall disposition which God gave to man, when he made him in his own Image, by which he doth inform man in the knowledge, and move him to the practice of all duties which belong to him.⁵⁰

Burgess added that without this moral instruction directing and binding him, Adam would have been destitute of the light of reason and conscience.⁵¹ These descriptions aid in seeing the connection between the Moral Law, God's nature, God's will, and humanity's moral duty. Moral Law is an expression of the holiness of God and, therefore, an expression of his divine nature. As a revelation of his will, it must also be consonant with his holy and perfect nature. Therefore, these divinely written principles of Natural Law on humanity's heart become an essential moral code of conduct consonant with, and for, humanity's divine image-bearing.⁵²

According to these Assembly members, this moral code derives its perfection, justice, and holiness from the nature of God and once implanted within humankind, it became their basis of image-bearing. The *Imago Dei* is not solely associated with the Moral Law even though there is a direct relationship between the rectitude in humanity and God's Moral Law implanted within them. As John Howe noted, there are other elements, such as "immortality" and "dominion over the inferior creatures, &c.," which the term must also comprehend along with the soul itself.⁵³

⁵⁰ Walker, *DS*, 58.

⁵¹ "The whole Law of Nature, as it was perfectly instructing us the will of God, was then communicated to him: and howsoever God, for good reasons hereafter to be mentioned, did give, besides that law of Nature, a positive law to try his obedience; yet the other cannot be denied to be in him, seeing he was made after Gods image, in righteousnesse, and holinesse, and otherwise Adam had been destitute of the light of reason, and without a conscience." Burgess, *VL*, 62. A fuller treatment by Burgess is in Lecture XII, 113-22.

⁵² Compare with *WCF* 4.2; *WLC* Q. 17.

⁵³ John Howe, "Man's Creation in a Holy but Mutable State," in *Puritan Sermons, 1659-1689 Being the Morning Exercises at Cripplegate, St. Giles in the Fields, and in Southwark by Seventy-Five Ministers of the Gospel In or Near London with Notes and Translations by James Nichols in Six Volumes* (Wheaton, IL: Richard Owen Roberts, Publishers, 1981), 84. Although Howe was not an Assembly member, he did participate in the preaching endeavor known as The *Morning Exercises* which took place primarily at Cripplegate church but also at St. Giles and in Southwark. These sermons were conducted by seventy-five of the most notable ministers in and around London. In these exercises, they methodically preached through the chief heads of the Christian religion. Several Assembly members who participated were Thomas Case, who is credited for starting the project, John Gibbon, William Greenhill, John Jackson, and Henry Wilkinson senior. Other participating ministers of note were Samuel Annesley, Richard Baxter, Stephen Charnock, Thomas Doolittle, Thomas Manton, John Owen, Matthew Poole, Thomas Vincent, and Thomas Watson. This quote is taken from one of Howe's topics, which was mankind's estate before the fall, preached from Ecclesiastes 7:29. Comp. Thysius, *SPT*, vol. 1, Disp. 13.40-41; Richard Baxter stated, "Thy Reason and Free-will, and Exucutive Power, are part of the Image of God upon thy Nature: so is thy Dominion over the Brutes, as (under him) thou are their Owner, their Ruler, and their End." Richard Baxter, *How to Be Certainly Saved. Instructions for a Holy Life [I.] the Necessity, Reason and Means of Holiness. [II.] the Parts and Practice of a Holy Life. for Personal Direction, and for Family Instruction. with Two Short Catechisms, and Prayers. Written by Rich. Baxter* (London: printed by Thomas Parkhurst, 1691), 2-3. Turretin noted that Scripture referenced righteousness and holiness as the image bearing qualities more than any other "because these are its best

Although Moral Law in the form of Natural Law was an aspect of the *Imago Dei*, it was not perceived as the only aspect.

Imago Dei Distinguished from the Essence of Humanity

Although Natural Law was intrinsically related to the *Imago Dei* within humanity, this image was not perceived as part of the human essence. Burgess maintained the distinction by asserting that the image was “implanted” in man at creation as “a concreated perfection in him.”⁵⁴ This implanted, image-bearing quality for Burgess and others was not “his natural substance and essence.”⁵⁵ Like Howe, Burgess did not view this original righteousness as “essential” to humankind.⁵⁶ If it were, “then he could never have lost it, without the loss of his being.”⁵⁷ Instead, they understood original righteousness as “connatural, that is, concreate[d] with the nature of man, and consonant thereto.”⁵⁸ As Rutherford stated, “before the fall, that

parts.” He went on to state that “it does not on that account speak to the exclusion of it (the soul) and deny that it also pertains to the soul itself.” Turretin, *Institutes*, vol. 1, 5.10.7.

⁵⁴ Burgess, *VL*, XII, 114. Burgess was not alone in this idea; Cf. Zanchi, *On the Law*, see introduction to thesis 8, p. 11. In his exposition of the *WSC*, Samuel Willard stated, “[a]ctual service done to God, is voluntary and upon choice. Now man was furnished for this in his creation; partly in respect of the nature which God gave him, namely, an understanding and will by which he was fitted to know and choose this service; and all the other powers in him, subordinated to these, by which he was fitted to pursue his deliberate choice: partly also by reason of the image of God, which was concreated on him, by which all his faculties and powers were set right, being sanctified to the service of God, Eccl. 7:29. Willard, *A Complete Body of Divinity*, vol. 1, Sermon 148, p. 560.

⁵⁵ Burgess, *VL*, XII, 114.

⁵⁶ *Ibid.* Zanchi stated, “before there was sin in the world, natural law had been perfectly instilled in human beings. Divine will and the precepts for doing some things and avoiding others had been co-created with Adam when the image of God was breathed into him.” Zanchi, *On the Law*, 11.

⁵⁷ Burgess, *VL*, XII, 114. Also Cf. Matthew Hale, who, when speaking of certain Conclusions of Natural Law stated “that a man entertains the Notion of Deity (which is as shall be shewn not only a Conclusion of reason but a Principle connatural to Man) he presently concludes without the help of a Syllogism, that he is to be worshipped, invoked, honored and obeyed.” Later in the treatise, he elaborated more on the distinction by stating, “Adam had a twofold perfection, one that was redundant and super added to his Nature, where in he was created, as greatness of knowledg, glory and splendor of his body, immortality and very high participations of moral righteousness beyond the bare rate of his Natural Constitution, these he lost by his fall: But that Natural and Essentiall perfection of his Soul he lost not, neither for himself, nor for his posterity, and this was that created Image of God, in which he was constituted and this Essential Image was not lost by the fall; for it is apparent Almighty God took notice of this Image of his in Man, as a thing continuing after the fall of Man, and thereupon made it the great reason of his renewed Law against Murder, Gen. 9.6. which is also affirmed by the Apostle to be continuing, 1. Cor. 11.7 so that Man lost not by his fall that Image of God that was concreated with him, but that which was super added and adventitious by the further beneficence of his Maker.” Hale, *Law of Nature*, 65, 149.

⁵⁸ *Ibid.* “Did God create man, male and female, with righteousness, and true holiness, after his own image, as being conatural to him? Yes, Gen. i. 26. Col. iv. 10. Eph. iv. 24.” David Dickson, *Truths Victory Over Error, Or, an Abridgement of the Chief Controversies in Religion Which since the Apostles Days to This Time, Have Been, and Are in Agitation, between Those of the Orthodox Faith, and All Adversaries Whatsoever, a List of Whose Names Are Set Down After the Epistle to the Reader : Wherein, by Going through All the Chapters of the Confession of Faith, One by One, and Propounding Out of Them, by Way of Question, All the Controverted Assertions, and*

rectitude was that concreated and naturall Image of God in the *first Adam*, in regeneration it is the supernaturall image of the *second Adam*, which wee call the *new heart*.⁵⁹ For Rutherford, the human will is “passive” both “before the fall or after regeneration” and “is a subject” in need of “receiving a holy sanctified rectitude.” Because the human will is passive before and after Adam’s Fall, God must act upon it as a doctor upon a patient to complete and enable it to carry out its intended “naturall activity.”⁶⁰ As Rutherford stated,

before the fall *Adam* did not love and serve God by free will simply, but by free-will gifted with that naturall accident of concreated sanctity and holinesse added to the will as a connaturall gift to make the will compleat in its operations. Now the will is a mere patient in receiving a supernaturall active power to will according to Christ, and in this regard the will is [a] patient and must bee elevated in its naturall activity, by receiving a new infused heart *Ezeki. 36.26. Zech.*⁶¹

Imago Dei: Erased or Effaced by Adam’s Fall?

After the Fall, there is the added dimension of depravity, which did not exist prior. Tragically, Adam’s temptation and Fall altered this upright condition, and the image was marred, distorted, and even obliterated for some theologians.⁶² Whether the image of God is seen as *effaced* or *erased*, Protestant reformers asserted that a remnant of Natural Law’s principles was still written (or re-written) within the human heart. As Cawdrey stated,

Answering by Yes, Or No, There Is a Clear Confirmation of the Truth, and an Evident Confutation of What Tenets and Opinions, Are Maintain’d by the Adversaries : A Treatise, Most Useful for All Persons, Who Desire to Be Instructed in the True Protestant Religion, Who Would Shun in These Last Days, and Perillous Times, the Infection of Errors and Heresies, and All Dangerous Tenets and Opinions, Contrary to the Word of God (Edinburgh, 1684), 51.

⁵⁹ Rutherford, *Spiritual Antichrist*, 158.

⁶⁰ Ibid. Rutherford referenced Martin Luther who used the analogy of a doctor operating on a patient to describe the passive condition of the human will.

⁶¹ Ibid.

⁶² To what degree of impact the fall had on the image of God in man was a much debated topic and at least two different opinions existed within the Reformed circles. The first is represented by Girolamo Zanchi who believed it was concreated with Adam but *wholly destroyed and is now divinely re-written in varying degrees* within the heart of every individual. The second is represented by Anthony Burgess who believed it was *marred but remained*. Zanchi, *On the Law*, thesis 9, see pages 13-14, 21-23. See also Johannes Althusius who agreed with Zanchi but saw the differing degrees more in the ability of the individual to draw proper conclusions from those newly inscribed general principles. Althusius, *On Law and Power*, 1.13, p. 10-11. Burgess, *VL*, 67. For those in agreement with Burgess concerning the image of God in man, see Hale, *Of the Law of Nature*, 149 and Turretin, *Institutes*, vol. 1, 5.10.7-8. Even with this disagreement, they all agreed on the nature of the Moral Law within Adam at creation. Some, like John Maynard, appear to have little regard for which side one was on and therefore stated, “the Law of Nature, consisting of those notions of good and evil, which were left or new written by the Lord in the minds of men and women, after that the nature of mankind was corrupted by sin...” Maynard, *LGR*, 75.

Though the Nature of man be much defaced by the Fall of Adam, yet are there (as all men doe acknowledge) some prime Principles of Religion found in every soule, (whether left, or reimprinted, we now dispute not) which can never be wholly blotted out. Among which, there are these two most legible upon the Tables of the Heart.⁶³

Cawdrey did not care to engage in the effaced/erased debate. Instead, he focused on what principles evidently remained. For Cawdrey, two of those most crucial principles are “that there is a God” and “That this God must be Worshipped by all reasonable Creatures capable of the knowledge of him, and so of Worshipping him.”⁶⁴

That something remains of this moral code within the human heart, either as a remnant or rewritten, should be no surprise because some semblance of justice and equity is found throughout the earth.⁶⁵ This universal, ethical remnant would account for moral laws found among pagans that overlap with those given through Moses. Consequently, one should not be surprised to find civil laws in the code of Hammurabi similar to those of Moses.⁶⁶ Whichever view of law in the heart of Adam’s posterity is taken, the result was the same because humanity was plunged into a depraved state and in dire need of salvation. As the *Westminster Confession* stated,

II. By this sin they fell from their originall righteousnesse and communion with God, and so became dead in sin, and wholly defiled in all the faculties and parts of soul and body.

⁶³ Cawdrey, *CSV*, 73. Notice that Cawdrey and Palmer do not get sidetracked by the unanswerable debate concerning remaining or re-written Principles within the human heart, but instead acknowledge both views.

⁶⁴ *Ibid.*, 74.

⁶⁵ This was Gouge’s point when he emphasized the “evidence” of that “work or effect” of the law written in the heart of the unbeliever. “The Apostle there hath reference to mans innocent estate, when the law was indeed engraven in mans heart: but that which was then engraven, was by his fall defaced and obliterated: therefore the Apostle saith, they then (*a*) the work or effect of the Law written in their heart: that is, they give evidence, that the law was once written in their heart. The evidences of that former engravement yet remaining are but as small defaced reliques, having only a lustre to make men inexcusable: but no clear light to direct them in the way of happinesse. Therefore notwithstanding their lustre, they are said to be, not only dark, but darknesse, Eph. 5. 8.” Gouge, *Hebrews*, 8:10, Sect. 63, p. 271.

⁶⁶ Burgess added another reason for overlap in that the Moral Law has existed and been proclaimed from the beginning of time, “certainly, he that should think this Law was not in the Church of God before *Moses* his administration of it, should grately erre. Murder was a sin before, as appeareth by Gods words to *Cain*; yea the very anger it selfe that goeth before murder: So all the outward worship of God, as when its said, *Then began man to call upon the name of the Lord*; so that the Church of God never was, nor ever shall be without this Law. And when we say, the Law was, before *Moses*, I do not meane only, that it was written in the hearts of men, but it was publicly preached in the ministry that the Church did then enjoy, as appeareth by *Noah*’s preaching to the old world, and Gods striving with men then by his word[.] So that we may say, the Decalogue is *Adams*, and *Abrahams*, and *Noahs*, and *Christs*, and the *Apostles*, as well as of *Moses*.” Burgess, *VL*, 150.

III. They being the root of all man-kinde, the guilt of this sin was imputed, and the same death in sin and corrupted nature, conveyed to all their posterity, descending from them by ordinary generation.⁶⁷

Although they spoke of the *Imago Dei* as erased or effaced, in what sense this was understood needs clarification. It was not that the Law was distorted but rather Adam's relationship to that law. He no longer desired to do God's will, and in many cases, he was no longer able to know what to do rightly, nor when he did know, was he able to do it perfectly. When providing his definition of Natural Law, Cawdrey emphasized the corruption of humanity, not Natural Law's moral principles.⁶⁸ Cawdrey's assessment is in accord with the *Synopsis* that stated,

After the transgression of Adam those notions were completely covered up and nearly wiped out, partly because of the corruption of his nature and partly because of the depravity of his behavior and upbringing. And yet the little sparks of these common notions that do remain are sufficient to convict and condemn sin, even in those who have been darkened completely.⁶⁹

For Polyander, the principles had been "covered up and nearly wiped out," not essentially in and of themselves but due to humanity's depraved hearts in which they reside.

Adam's original rectitude or original righteousness consisted of two major parts. These are divided between the head and the heart. The first pertains to "certain practical notions about good and evil, right and wrong" and falls into the realm of the mind or head.⁷⁰ The second pertains to "certain habitual inclinations to conform to those principles" and thus fall into the realm of the heart or will.⁷¹ Therefore, these two comprise the human understanding of God's will and the desire and ability to accomplish it.

Seeing the same dualism of original righteousness between the head and the heart, John Owen considers the impact of Adam's Fall to have a dualistic effect, and yet, there is no

⁶⁷ WCF 6.2-3.

⁶⁸ "a Law Morall-Naturall, we think, may thus properly be exprest: [A Law of Things necessary to be done or forborne, toward God or Man, our selves, or others: which the Nature of Man now (though corrupted) either doth acknowledge, or may at least be convinced of to be such, (even without the Scripture) from Arguments drawn from those Principles which are in the hearts of all men generally even now.] So that he must contradict some of those Principles, which yeelds not to those Lawes, specially when he is rationally urged with them. Or more briefly thus: [A Law of Nature is a Law, which may be proved not only just, but necessary, by Principles drawn from the light of Nature, which all Reasonable men have still in their hearts.]. Cawdrey, *CSV*, 9. Cawdrey equated Natural Law with Moral-natural laws. See the next chapter for discussion on Moral-natural and Moral-positive laws.

⁶⁹ Polyander, *SPT*, vol. 1, Disp. 18.17.

⁷⁰ Howe, *Puritan Sermons*, vol. 5, 86.

⁷¹ *Ibid.* Cf. Kevan, *Grace of Law*, 59-60.

equivalence of the impact between the two for Owen. He saw the greater degree of corruption falling upon humanity's heart (will). As Owen understood, "the will...is more bruised by the fall than the understanding."⁷² Consequently, humanity "is more corrupted in respect of the desire of good than the knowledge of truth."⁷³ As this corruption manifests itself in apostasy, Owen believed that "[t]he knowledge of God would have flourished longer in men's minds had not sin banished the love of God out of their hearts."⁷⁴

Owen's belief that the knowledge was less blurred than the will did not negate the Fall's blurring impact on the mind. The principles are still there; only the capacity to rightly apply them in particular circumstances becomes blurred. The farther away from the general principle one moves in conclusions, the greater the darkness. Thus, the concentric conclusions of those principles are increasingly distorted. This distortion is not the same in everyone, but is distorted in all. This varying degree of distortion led some to conclude that since the Fall, God rewrites the law on every person's heart yet does not do so with an equal degree.⁷⁵ Others understood that the law was defaced and, therefore, only relics of those principles remain rather than their complete and original expression.⁷⁶ Humanity's depraved condition is now deprived of the mental, willful, and spiritual power once possessed in innocence. Therefore they cannot, with consistent accuracy, discern, apply, and obey the remaining legal principles still inscribed within them. Regardless, this proto-expression of Moral Law, though blurred within the human constitution, is still perpetually binding on all humanity.

John Maynard held that "since the fall...the image of God was defaced and the Nature of man corrupted by sin; so that the powers of the soul thus degenerated are become cross and

⁷² John Owen, *The Duty of Pastors and People Distinguished [Sic]. Or A Briefe Discourse, Touching the Administration of Things Commanded in Religion. Especially Concerning the Means to Be Used by the People of God (Distinct from Church-Officers) for the Increasing of Divine Knowledge in Themselves and Others. Wherein Bounds Are Prescribed to Their Performances, Their Liberty Is Enlarged to the Utmost Extent of the Dictates of Nature and Rules of Charity: Their Duty Laid Downe in Directions, Drawn from Scripture-Precepts, and the Practise of Gods People in All Ages. Together with the Severall Wayes of Extraordinary Calling to the Office of Publike Teaching, with What Assurance Such Teachers May Have of Their Calling, and What Evidence They Can Give of It, unto Others. / By John Ovven, M.A. of Q. Col. O* (London: L. N. for Philemon Stephens, at the gilded Lion in Pauls Church-yard, 1644), 4–5.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Cf. Zanchi, *On the Law*, thesis 9, p. 21-23.

⁷⁶ Burgess, *VL*, 67.

opposite unto the counsel and truth of God.”⁷⁷ There was a distinction for Maynard between the defaced *Imago Dei* and the corrupted “nature of man.” Humanity’s nature is not described as either effaced or erased. It is not diminished in the least; instead, the whole of their nature is wholly corrupted. The relation is that nature’s corruption defaces the image-bearing quality. Thus, the human nature corrupted or not, is still a complete and essential human nature. By denoting it this way, Adam, as an image-bearer, could fall into sin and still fully retain his human nature, even though that image was marred and greatly effaced. Therefore, both depravity and full human essence were maintained simultaneously.

Image Bearing Increased or Decreased

Samuel Bolton believed that a person could engage in sin to such a degree that “those common principles” of Natural Law may diminish even more.⁷⁸ He stated,

*They have sinned away those common principles, that natural tenderness, that was once in them. Sin is an eating thing, it eats out the very heart of everything which is good in men. A man may not only sin away his moral principles, but he may sin away the very principles of nature.*⁷⁹

If Natural Law is inextricably connected to God’s image, and if the “principles of nature” can be “sinned away,” then God’s image diminishes within that person. That person may not be able to sin away all of those natural principles, for there may always be those “remainders of the Image of God in him,” although tremendously reduced.⁸⁰

This understanding accords with the *Westminster Annotations* on Genesis 9:6 where, concerning murder and the image of God, they declared that it is a “greater sin to kill a good man...yet since a bad man hath some remainders of the Image of God in him, God is dishonoured if he be killed any other way then is warrantable by his authority.”⁸¹ Even the “bad man hath some remainders” of God’s Image within him.⁸² For these authors, this concept

⁷⁷ Maynard, *LGR*, 7.

⁷⁸ Samuel Bolton, *The Guard of the Tree of Life, or, A Sacramental Discourse Shewing a Christians Priviledge in Approaching to God in Ordinances, Duty in His Sacramentall Approaches, Danger If Hee Do Not Sanctifie God in Them / by Samuel Bolton* (London: Printed by M. Simmons for A. Kembe, and are to be sold at his shop, n.d.), 154–55. (emphasis additional).

⁷⁹ *Ibid.*

⁸⁰ *Westminster Annotations*, vol. 1, Gen. 9.6.

⁸¹ *Ibid.*

⁸² *Ibid.*

appears to work in reverse in Ephesians 4:24 where the Apostle exhorts believers to put on the new man. They understood Paul's words of putting on the new man to imply they had already put off the old man as a worn-out garment.⁸³ The putting on process entails the regenerate person's use of those means of sanctification whereby they "advance, and put on more and more" the new man by those appointed means.⁸⁴ This new man is, in effect, the "changing of the will to holinesse and righteousnesse, wherein consisteth the image of God."⁸⁵ If the line of thought is followed, as the person replaces the old sinful practices with those approved of by God's Moral Law, then one increases in holiness and righteousness, which equates to an increase of the image of God within them.

Due to the Fall having a degenerating effect upon the faculties of the soul, A. A. Hodge concluded that regeneration is the renewal of the image of God within humanity. For him, "[R]egeneration is the restoration of human nature to its pristine condition...[T]he likeness to God which was lost by the fall must therefore be the same as that to which we are restored in the new birth."⁸⁶ Regeneration and sanctification are distinguishable but not inseparable. While striving to see their salvific distinctions, one must not conflate them. According to the Westminster Standards, sanctification can never occur without the will's renewal and enlightenment of the mind by the Holy Spirit in regeneration.⁸⁷ Yet, the regenerate do not always reflect the holy character of God in their conduct. They are to increase in their sanctification and thereby become increasingly renewed into God's image.⁸⁸ Thus, regeneration

⁸³ Ibid. Eph. 4:24. Comp. Thysius, *SPT*, vol. 1, Disp. 13.42-43.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Archibald Alexander Hodge, *The Westminster Confession: A Commentary* (Carlisle, PA: Banner of Truth Trust, 2002), 88–89.

⁸⁷ *WCF* 13.1- "They who are effectually called and Regenerated, having a new heart, and a new spirit created in them; are further sanctified, really, and personally, through the vertue of Christs death and resurrection, by his Word, and Spirit dwelling in them: the Dominion of the whole body of sin is destroyed, and the severall lusts thereof are more and more weakened and mortified; and they, more and more quickened and strengthened in all saving graces, to the practice of true holinesse, without which no man shall see the Lord."

⁸⁸ Cf. *Westminster Annotations*, Rom. 8:27. William Carter brought the two concepts together to describe God's goal in both regeneration and sanctification as they relate to human reason for the purpose of understanding the deep things of God. He stated, "the excellency of man lieth in his reason. It is true, the way of Gods improvement is by the death of the old man, with all his excellencies whatsoever, so as reason it selfe becomes a dead thing to us, as considered onely of the first *Adam*; but though it dies, it doth not perish, but growes up in the new creature to a glorious improvement and increase; *That which thou sowest* (says the Apostle) *is not quickened except it die*: it dyeth therefore that it may be quickened in the new birth, wherein it is sanctified by Christ, and afterwards improved to the utmost in his children: For which purpose God findes himself engaged to bring matter

is presupposed by those assembly members emphasizing only the sanctification process as the renewal of the image of God in humanity. So crucial is sanctification that there is neither an inward assurance nor an outward manifestation of regeneration without it.⁸⁹

Westminster's emphasis of Adam as created in "knowledge, righteousness and true holiness" is on his original predisposition to moral uprightness as an image-bearer.⁹⁰ The Moral Law written on the heart provided the original pair with the needed information to conduct themselves in holiness and righteousness. Accordingly, Moral Law's preeminence, as expressed in Natural Law, is upheld by three doctrines at this point.⁹¹ The first is that Natural Law is the first expression of Moral Law to humanity. It was divinely written on Adam's heart as part of his divine image-bearing at his creation. Secondly, the general principles relating to humanity's divine image-bearing remain, though marred in and by humanity's fallen condition. Thirdly, within the regenerate, the faculties of the mind and will are renewed and enabled so the Moral Law is understood and willingly obeyed from the heart as part of divine image-bearing's restoration.

Decalogue – Moral Law's Summary and Restatement

The Decalogue is the Moral Law's second divine expression manifesting its preeminence. These ten commands given at Mount Sinai were understood as a divine restatement of the Moral Law written on humanity's heart at creation but obscured by Adam's Fall.⁹² This law, given to Adam at creation as a covenant of works in *WCF* 19.1, is the same law in 19.2 said to be

unto such a state, as by labour in the use of reason sanctified, a man may search into the deep things of God, without such extraordinary helps; and when should that be expected if not in these last days, when *God hath spoken to us by his Sonne*, whereby he hath rendred himselfe with greatest advantage to the understandings of his people?" William Carter, *The Covenant of God with Abraham, Opened. Wherein I. the Duty of Infant-Baptism Is Cleared. II. Something Added Concerning the Sabbath, and the Nature and Increase of the Kingdome of Christ. Together with a Short Discourse Concerning the Manifestations of God Unto His People in the Last Dayes. Wherein Is Shewed the Manner of the Spirits Work Therein to Be in the Use of Ordinary Gifts, Not by Extraordinary Revelations.* / by William Carter Minister of the Gospel in London (London: Printed by T.C. for John Rothwell, at the Fountain and Bear in Goldsmiths row in Cheapside, 1654), 153–54.

⁸⁹ *WCF* 18. 1 John 3:9 – "No one born of God makes a practice of sinning, for God's seed abides in him; and he cannot keep on sinning, because he has been born of God." (ESV) 1 John 2:3 – "And by this we know that we have come to know him, if we keep his commandments." (ESV). Cf. Titus 1:16; 1 Timothy 5:8; 1 John 1:6, 2:4, 3:6.

⁹⁰ *WCF* 4.2.

⁹¹ A fourth doctrine is added in the fifth chapter which is that this just standard leaves all without excuse on the Day of Judgment (Rom. 1:18-2:16), and will be the moral standard by which they are judged.

⁹² *WLC* Q. 98, *WSC* Q. 41. Comp. Melancthon, *Topics*, 93.

“delivered by God upon Mount Sinai, in ten Commandments, and written in two Tables.”⁹³

Although it was viewed as a summary of Moral Law, the Decalogue was understood as a more extensive revelation of Moral Law than Natural Law.⁹⁴

Both Natural Law and the Decalogue may in some respects be viewed as a summary of Moral Law because Natural Law’s general principles and the Decalogue’s ten commands are meant to be expanded and adapted to varying circumstances. Nonetheless, it was the Decalogue that received the designation of being a summation of Moral Law.⁹⁵

The Decalogue’s two tables are divided between those duties pertaining to God (First Table) and those relating to humanity (Second Table). Differences exist concerning where to divide the Decalogue and how many precepts are on each table.⁹⁶ Regardless, most Protestants, with the exception of the Lutherans, commonly divided them by placing the first four commandments (Exodus 20:3-11) on the First Table and the last six (20:12-17) on the Second.⁹⁷ In accordance with the division, there existed a synonymous phrase for the two tables. Some theologians commonly referred to them by the designation of “holiness and righteousness,” with holiness referring to the First Table and righteousness to the Second.⁹⁸

Distinction between Natural Law and the Decalogue:

⁹³ WCF 19.1, 2.

⁹⁴ WLC Q. 98; WSC Q. 41.

⁹⁵ WLC Q. 98; WSC Q. 41. “That this moral law has been summarily comprehended in the two tables of the law, called the Ten Commandments, is a fact not disputed.” Hodge, *Westminster Confession*, 251.

⁹⁶ For discussion see Edward D. Morris, *Theology of the Westminster Symbols*, 523-24; Dickson, *Truth’s Victory over Error*, 114-15; Shaw, *Exposition of the Westminster Confession*, 194-95; Ridgley, *Body of Divinity*, vol. 2, 321, 332-34; Fisher, *Assembly’s Shorter Catechism*, Q. 50, q. 1-3. Gerhard, *Common Places*, 38-54.

⁹⁷ Protestants reject the Roman Catholic and Lutheran method of combining the first two commandments and then splitting the tenth. Dickson, *Truth’s Victory over Error*, 114-15. For a defense of the Lutheran view, see Gerhard, *Common Places*, 38-54.

⁹⁸ Cf. Ridgley, *Body of Divinity*, vol. 2, 301. William Gouge noted that righteousness, depending on its context could refer to “the whole Law” and “is our conformity unto Gods Law.” Yet, “Righteousnesse is often restrained to that part of justice, which respecteth man, and so is the summe of the second Table; but then either some other word is joined with it, which hath reference to God, as *Holinesse*, Luke 1. 75.” William Gouge, *The Whole-Armor of God: Or A Christians Spiritual Furniture, to Keepe Him Safe from All the Assaults of Satan First Preached, and Now the Second Time Published and Enlarged for the Good of All Such as Well Vse It: Whereunto Is Also Added a Treatise of the Sinne Against the Holy Ghost. by William Gouge B.D. and Preacher of Gods Word in Blacke Fryers London* (London, 1619), 143-44.

Although both Natural Law and the Decalogue are moral, there are notable differences.⁹⁹ First, there are differences in *circumstances* concerning their divine revelation. One difference pertains to chronology. God gave Natural Law at Creation, whereas the Decalogue was given after Israel was delivered from their Egyptian bondage. After the Fall, Natural Law, now obscured by sin in humanity, was restated, renewed, and re-enforced by the giving of the Decalogue at Mount Sinai.¹⁰⁰ Another difference concerns the objects upon which God wrote these laws. Natural law is written on the hearts of all humanity in contrast to the Ten Commandments that were written on stone tablets. One may note the circumstance of to whom each corpus of law is delivered. Natural Law is divinely revealed to every human being, yet the Decalogue was given to Israel and through them to the world. One may even say that Natural Law has no mediator, whereas the Decalogue came through Moses.

Secondly, there is a difference in *content*. This difference does not suggest a difference in the degree of moral essence or nature within them. Instead, one is more extensive in the degree of moral content revealed. Natural Law consists of a minimal number of general principles and conclusions, although the exact number is debated. That they are general and few was not an issue of debate. As for the Decalogue, they are ten in number, and they are particular commands. Whereas Natural Law contains general principles, the Decalogue contains actual statutes which synecdochically represent all sins and duties related to them.¹⁰¹ It is also observed that some of the Decalogue's commandments have promises, threats, and reasons annexed. In contrast, none of these are emphatically attached to the general principles of Natural Law.¹⁰²

⁹⁹ "The Law of God given by Moses, differs not really, but in some respect from the Law of nature planted in Adam, the remainder of which are as yet to be found among the Gentiles." Johannes Wollebius, *Christianae Theologiae Compendium.; Anatomy of the Whole Body of Divinity* (London: Printed by T. Mab, for John Saywell, and are to be sold at his shop at the sign of the Grey-hound in Little-Britain without Aldersgate, 1656), 90.

¹⁰⁰ Zacharias Ursinus, *The Commentary of Dr. Zacharias Ursinus on the Heidelberg Catechism*, trans. G. W. Williard, 1852nd ed. (Phillipsburg, N.J: Presbyterian & Reformed Publishing Co., n.d.), 492. Junius spoke of Natural Law's principles as "liberated from corruption in the law of Moses by the highest perfection, and they are restored according to the pure nature against all the impiety and unrighteousness of human beings who suppress the truth in a lie." Junius was referring to the giving of the Decalogue and its inclusion of the Natural Law. Because until Moses, they had only been written in the heart, God's restatement "liberated" these principles from the corrupt interpretations of depraved minds. Going beyond a restatement, they were written down (Junius referenced Lev. 19 and the law against vengeance). "Thus God preferred to call back our corrupted nature from that miserable and ruined corruption to its integrity by the law of Moses and to revive the preestablished example of natural law." Junius, *Mosaic Polity*, thesis 8, p. 61-62.

¹⁰¹ The synecdochical enlargement of a moral command is discussed further on page 186-187.

¹⁰² The fifth commandment has a promise (*WLC* Q. 133), the third has a warning/threat (*WLC* Q. 114), and the fourth has a reason attached (*WLC* Q.120). The second commandment has all three annexed to it (*WLC* Q. 110).

Reduction and Expansion

The division of the Decalogue's two tables introduces a most crucial doctrinal perspective concerning the Moral Law believed and propagated throughout the church and replicated in the Westminster standards. Westminster's doctrine concerning the reduction and expansion of Moral Law was, and is, as important as their understanding of the distinction between Moral-natural and Moral-positive laws discussed in the following chapter. As expressed in both of their catechisms, they believed the Decalogue was a summation of Moral Law. Therefore, they presupposed the existence of a larger body of moral laws, which could be reduced to a tenfold summary.¹⁰³ As Burgess stated the issue, "neither is there any Christian duty, but what is comprehended in one of these [ten], that is, consequentially, or reductively."¹⁰⁴ In another place, he stated, "although the Judiciall and Ceremoniall lawes were given at the same time with the Morall Law, yet there is a difference between them." One of those differences was that "it [Moral Law] is a foundation of the other lawes, and they are reduceable to it."¹⁰⁵

The reduction process is not complete with the Decalogue. The two tables are the basis for reducing the ten moral precepts to two, which concern loving God and loving one's neighbor.¹⁰⁶ As the *Westminster Shorter Catechism* reveals, "The sum of the ten commandments is, To love the Lord our God with all our heart, with all our soul, with all our strength, and with all our mind; and our neighbour as ourselves."¹⁰⁷ These two moral precepts are reduced to the most basic moral command of love.¹⁰⁸ Referring to the Apostle Paul in

¹⁰³ "Where is the moral law summarily comprehended? A. The moral law is summarily comprehended in the ten commandments." *WSC* Q. 41

¹⁰⁴ Burgess, *VL*, 3.

¹⁰⁵ *Ibid.*, 155. William Ames stated, "we may understand that the whole of the perfection that may be desired in any law is found in this one." [i.e. Moral Law], Ames, *Christian's Catechism*, Lord's Day Lesson 34, p. 155.

¹⁰⁶ *WCF* 19.2; *WLC* Q. 98-99, 102, 122. When explaining that the believer's obedience to the law is to be done in faith and love, Burgess stated, "*In love*: and this is so much commanded by the Law, that Christ makes the summe of the Law to be in these two things; love of God, and of our neighbour." Burgess, *VL*, 181. Comp. Melancthon, *Topics*, 93.

¹⁰⁷ *WSC* Q. 42.

¹⁰⁸ According to Thomas Boston, "[t]he sum of all the commands (ye see) is love. So the ten commandments or the law of love; they are a law that is chiefly conversant about the heart, which is the seat of love. The scope of them is to unite men to God and to one another; for there is no such cement of hearts as holiness." Boston, *Commentary on the Shorter Catechism*, vol. 2, 76-77. Zanchi, while distinguishing Natural law from human laws, stated, "natural law prohibits not only external injury but also internal ones, such as hatred and envy,

Romans 13, Burgess stated, “[l]ove is the fulfilling of the Law; and thereupon reckons up the commandments which were given by Moses.”¹⁰⁹ This reduction concept can be mathematically represented as $10 > 2 > 1$.¹¹⁰ The belief is so universally held within the church, and so clearly outlined in Scripture, that treatises typically acknowledge it rather than spend time defending it.¹¹¹

Likewise, if Moral Law can be reduced, it can also be expanded. Thus, the mathematical equation is reversed to $1 < 2 < 10$ to demonstrate that love is the foundation of all moral laws and finds its most basic expression in love for God and one’s neighbor. At this point, the mathematical equation can be *enlarged* to $1 < 2 < 10 < 613$. As calculated by Jewish adherents, the 613 laws of the Old Testament included all of the statutes and judgments given through Moses in addition to the Decalogue.¹¹² The statutes and judgments were God’s ceremonial and civil laws divinely given to Israel.¹¹³

Westminster demonstrated the expansion of the Decalogue’s moral commands and duties by their treatment of each commandment within the *Larger Catechism*.¹¹⁴ With each commandment, two primary questions are repeatedly asked: “What are the duties required in...” and “What are the sins forbidden in...”¹¹⁵ In answer to these questions, a host of duties and sins are enumerated, drawn from throughout Scripture. Some of these answers are the largest and most detailed in the catechism. On this basis, Edward Leigh stated, “the Ceremonial and Judicial Laws of *Moses* are but Commentaries on that part of the first and second Table of the ten Commandments.”¹¹⁶

since we ourselves were not want to be hated by anyone. Love is commanded because we, ourselves, want to be loved." Zanchi, *On The Law*, 40.

¹⁰⁹ Burgess, *VL*, 169.

¹¹⁰ See also Bolton, *TBCF*, 74-75, Maynard, *LGR*, 75-76, 174-75, 204;

¹¹¹ As *The Tetrapolitan Confession* of 1530 stated, “For as the whole law of God, which is a most absolute commandment of all righteousness, is summed up in this one word: ‘Thou shalt love thy neighbor as thyself’ (Rom. 13:9).” Arthur C. Cochrane, “The Tetrapolitan Confession (1530),” in *Reformed Confessions of the Sixteenth Century* (London: Westminster John Knox Press, 2003), 61.

¹¹² The number of 613 laws is debated but due to its familiarity, it is used here for illustration purposes.

¹¹³ *WCF* 19.2; Maynard, *LGR*, 204-205; *Westminster Annotations*, Deut. 4:14.

¹¹⁴ Westminster’s *Larger* and *Shorter Catechism* follow the same format.

¹¹⁵ Cf. *WLC* Q. 104-105, 108-109, 112-13, 118-19, 127-32, 135-36, 138-39, 141-42, 144-45, 147-148. The same approach is taken by the *WSC* in its individual treatment of each commandment.

¹¹⁶ Leigh, *Body of Divinity*, 750.

The same concept is discerned in Burgess's words, who stated, "so the second Commandment requireth the particular worship of God, insomuch that all the Ceremoniall Law, yea our Sacraments are commanded in the second Commandment; it being of a very spirituall and comprehensive nature."¹¹⁷ In his exposition of the *Confession*, Hodge stated, "[e]very specific duty taught in any portion of the Scriptures may more or less directly be referred to one or other of the general precepts taught in the Decalogue."¹¹⁸ According to Polyander, "The ceremonial law is the 'shadow painting,' the sketched outline of the divine worship which God demands in the four commandments of the first table. This law was once arranged to suit the structure of the Israelite nation."¹¹⁹

The common notion was that the Ceremonial and Judicial Laws were appendages or expressions for directing the Jews how to keep the Ten Commandments.¹²⁰ As the *Annotations* stated, "the judicial Ordinances made for the just and peaceable government of the people, as the Ceremonial serve chiefly for the ordering of their behavior (especially) in duties of devotion towards God. This relationship between the Decalogue and the Mosaicals demonstrates the preeminence of the Moral Law. The Mosaicals are dependent on the Moral Law as their purpose for existing. These laws aimed to ensure the Moral Law was kept. Secondly, the Mosaicals had no purpose apart from the moral precepts they expressed. As Ursinus explained, "[t]he precepts of the moral law are the ends of the others; whilst they again are subservient to those which are moral."¹²¹

John Calvin's *Harmony*

Within its Standards, Westminster conveyed the Moral Law's expansion and reduction according to traditional Protestantism. One example within that traditional history before the Assembly demands special notice. In his commentaries, John Calvin did what no expositor had done before him with the laws of Moses. Near the end of his life, Calvin wrote two harmonies.

¹¹⁷ Burgess, *VL*, 149.

¹¹⁸ Hodge, *Westminster Confession*, 252.

¹¹⁹ Polyander, *SPT*, vol. 1, Disp. 18.46.

¹²⁰ Comp. Calvin's two page explanation of the relation between the civil and ceremonial precepts and that of the Decalogue. John Calvin, *Commentaries on the Four Last Books of Moses Arranged in the Form of a Harmony*, trans. John Owen, vol. 2, Calvin's Commentaries (Grand Rapid, MI: Baker Book House, 1998), 416–17.

¹²¹ Ursinus, *Heidelberg Catechism*, 492.

One was his harmony of the three Gospels of Matthew, Mark, and Luke, supposedly the last he wrote in 1563 before his death in 1564.¹²² The second harmony was also completed in 1563. This harmony was comprised of the last four books of the Pentateuch.

In his exposition of the Pentateuch, Calvin treated Genesis and the first nineteen chapters of Exodus in the usual expositional method with which most are acquainted. In Exodus chapter twenty, his harmony began, as did his break with the law's traditional treatment. Instead of a verse-by-verse exposition, Calvin arranged all the ceremonial and judicial precepts found within the last four books of Moses according to the Decalogue. Melancthon had done something similar by arranging Proverbs according to the Decalogue.¹²³ But no one had attempted the same with the Ceremonial and Judicial Laws in the Pentateuch.¹²⁴ After a thorough treatment of each commandment, Calvin added what he called supplements.¹²⁵ The first was the “ceremonial supplements” followed by the “judicial supplements.” His purpose was to aid those without the capacity to rightly comprehend those laws’ intended relationships and classifications. In Calvin’s words, he was motivated to such a task because,

all have not sufficient intelligence to discern the tendency of what is elsewhere taught, or to reduce the different precepts to their proper class, there is nothing to prevent such assistance being afforded them, as, by setting before them the design of the holy Prophet, may enable them to profit more by his writings.¹²⁶

By doing so, Calvin “sought not mainly to arrange the facts of Scripture, but rather to systematize its doctrines, and to bring out the mind of the Spirit of God in the revelation of His just, and good, and holy LAW in a complete and harmonious form.”¹²⁷

¹²² John’s Gospel was also included though not part of the harmony.

¹²³ Raymond Blacketer, “The Mosaic Harmony and Joshua,” in *Calvin and the Bible*, ed. Donald McKim (Cambridge: Cambridge University Press, 2004), 41f. Mark W. Elliot observed another possible influence for Calvin was “Wolfgang Musculus and his *In Decalogum praecepto-rum Dei expUnatio* (Basel: Hervagius, 1553).” Mark W. Elliot, “Calvin and the Ceremonial Law of Moses,” *Reformation & Renaissance Review* 11, no. 3 (2009): 278.

¹²⁴ Cf. Eric de Boer, “Origin and Originality of John Calvin’s ‘Harmony of the Law,’” *Acta Theologica Supplementum* 10, no. The Expository Project on Exodus – Deuteronomy (1559-1563) (2008): 41–68.

¹²⁵ For illustration, see Calvin, *Harmony* where Calvin’s exposition of the First Commandment begins in volume one on page 417 and ends on page 453. The ceremonial supplements begin on page 454 and end on page 72 of volume two. The judicial supplements begin on page 72 of volume two and continue to page 106. Let the reader note that Calvin’s legal harmony is republished in volumes two and three of the above cited work by Bingham, which do not accord with the original enumeration of volumes.

¹²⁶ *Ibid.*, xv.

¹²⁷ *Ibid.*, viii.

Whatever his reasons, Calvin's work demonstrated a connection between the Moral Law as expressed in the Decalogue and the Mosaic Ceremonial and Judicial Laws. Calvin perceived these Mosaic laws as God's interpretation of the Decalogue for Israel. Thereby God was teaching Israel how to keep the Decalogue. As Calvin described the connection,

This first passage [Lev. 27:34] commends the Law, which was promulgated and written on the two tables, together with the declarations which were annexed to it, to explain more fully the mind of God. For God did not only propound the Decalogue, but also interpreted what He briefly summed up therein.¹²⁸

Calvin's harmonic arrangement illustrated what other theologians meant by referring to the Ceremonial and Judicial Laws as appendages or explications of the Moral Law.

Ceremonial and Judicial Laws of Moses as Divine Conclusions

Like all human laws, Israel's civil and ceremonial precepts were not only viewed as appendages, but were also considered conclusions. Conclusions are of divine or human origin, yet all were to be in accord with Moral Law.¹²⁹ Thus, when making laws, lawmakers are to avail themselves of the fullest moral revelation available to them so they may gain the greatest moral conformity.¹³⁰ In doing so as rational creatures, they rely on the light of nature to guide them in constituting laws that best fit the community's circumstantial needs.¹³¹ Because of the logical deduction and practical application of the newly formulated laws, the term conclusion is most appropriate.

Regardless of how well constituted, all human laws were considered mutable or positive in nature. They were mutable because they were of human origin and dependent upon the circumstances they were designed to address. Therefore, if the circumstances changed, the laws were free to change or be abolished. If the lawmaker changed his or her mind, they were free to amend or annul the law as they chose.

¹²⁸ Ibid., 416.

¹²⁹ WCF 23.1,4 (civil magistrates); 1.6 (ecclesiastical authorities). Comp. Polyander, *SPT*, vol. 1, Disp. 18.29.

¹³⁰ Westminster's treatment of civil magistrates is found in WCF 23.

¹³¹ Light of nature is the human intellect designed to form judgments, yet due to its fallen condition, is limited, Cf. WCF 6.2-5. According to Polyander, civil laws concluded by human magistrates drawn from Natural Law are "like little streams, they produce certain conclusions and particular provisions according to the needs of persons, things, times, and places, for the public and private good of citizens." ("*seu rivulos pro opportunitatibus personarum, rerum, temporum et locorum*," Polyander, *SPT*, vol. 1, Disp. 18.28. Along with light of nature, Westminster affirmed that church officers were also to use "Christian Prudence and the generall Rules of the Word." WCF 1.6.

In contrast to all other human civil and ecclesiastical laws stand the Mosaic laws given to Israel. Like human laws, they too are conclusions, but of divine origin.¹³² As divine, their mutability is vastly different due to the authority of the One authorizing them.¹³³ As observed in the first parallel, these divinely prescribed laws could not be humanly repealed as other human laws. The Mosaic statutes and judgments were *divine conclusions* formulated for Israel at that time and place, and were not subject to Israel's officials. Their divine authority created both a greater burden of obligation and immutability from a human perspective, making them unique from the laws of every other nation.¹³⁴ Because God prescribed Israel's civil and ecclesiastical ordinances, he alone had the authority to abolish them. This systematic understanding becomes a foundational point for Chapter seven of this thesis. Consequently, the Mosaic Ceremonial and Judicial Laws were not only expressions of, or appendices to the Decalogue, they were divine conclusions derived from infinite wisdom constructed for the purpose of directing Israel in its worship and civil conduct.

No Ecclesiastical or Civil Law is Legitimate if it Contradicts God's Moral Law

Regardless of the governmental realm, all human laws must accord with God's Moral Law or they are not considered legitimate or binding.¹³⁵ The *Westminster Confession* affirmed that human laws, whether civil or ecclesiastical, were to be obeyed if they were just and lawful. As *WCF* 23.4 states, the people are to not only pray for and honor their magistrates; they are "to obey their *lawful Commands*."¹³⁶ For the Assembly, all magistrates are "over the People," but

¹³² Aquinas observed, "the precepts of the natural law are general, and require to be determined: and they are determined both by human law and by Divine law." Aquinas admitted these laws were positive and thus distinct from Natural Law. "And just as these very determinations which are made by human law are said to be, not of natural, but of positive law; so the determinations of the precepts of the natural law, effected by the Divine law, are distinct from the moral precepts which belong to the natural law." Aquinas, *Summa*, I-II q.99 a.3 ad 2.

¹³³ For Junius, the ceremonials are considered divine laws while the judicials are referred to as human laws. This seems more of an emphasis on the object each corpus concerns rather than the origin of the precepts. Thus, the ceremonials direct humanity's relationship with God (divine), while the judicials direct humanity's relationship with each other (human). Thus it is a difference of classificational method than systematic disagreement. Junius, *Mosaic Polity*, theses 6-8, p. 30.

¹³⁴ Cf. Cawdrey, *CSV*, 8-9; Burgess, *VL*, Lect. XVII; and Zanchi, *On the Law*, chapter 4, theses 1-7, p. 43-53.

¹³⁵ Cf. Acts 5:29: "But Peter and the apostles answered, 'We must obey God rather than men.'" (*ESV*); Comp. Zanchi, *On the Law*, thesis 4; Althusius, *On Law and Power*, 1.14, p. 19-21.

¹³⁶ *WCF* 23.4 (emphasis additional)

they are “under him,” that is, “God, the supreme Lord and King of all the World.”¹³⁷ Thus, magistrates are only free to enact laws consonant with God’s Moral Law. Just as this submission is true of civil magistrates, so too with ecclesiastical officers. In chapter 31, entitled Of Synods and Councils, they first affirmed ecclesiastical authority “to set down Rules and Directions for the better Ordering of the publique Worship of God, and Government of his Church.”¹³⁸ They immediately qualified what validated those rules and directions, and the extent of binding force they possessed if valid,

which Decrees, and Determinations, *if consonant to the Word of God*, are to be received with reverence, and submission; not only, for their agreement with the Word, but also for the Power, whereby they are made, as being an Ordinance of God appointed thereunto in his Word.¹³⁹

The *Ten Thesis of Berne* in 1528 declared the “

[t]he church of Christ makes no laws or commandments without God’s Word. Hence all human traditions, which are called ecclesiastical commandments, are binding upon us only in so far as they are based on and commanded by God’s Word.¹⁴⁰

Similarly, Polyander, in the *Synopsis*, declared,

if in all their edicts these laws conform entirely to the exemplar of God’s law, they bind the consciences of their subjects to keeping them or to suffering punishment; if the laws contradict God’s law, then they do not bind their subjects.¹⁴¹

This doctrine affirms Moral Law’s preeminence over all other laws. Any that oppose Moral Law are invalid and non-binding.¹⁴² Therefore, Westminster theology could never condone a civil precept that sanctioned idolatry. As will be seen further down with the rules for interpreting the

¹³⁷ WCF 23.1.

¹³⁸ WCF 31.3.

¹³⁹ WCF 31.3. (emphasis additional)

¹⁴⁰ Arthur C. Cochrane, “The Ten Theses of Berne (1528),” in *Reformed Confessions of the Sixteenth Century* (London: Westminster John Knox Press, 2003), 49.

¹⁴¹ Polyander, *SPT*, Disputation 18.29.

¹⁴² WCF 1.6; 23.2, 4; WLC Q 127-128; Junius, *Mosaic Polity*, theses 14-18, p. 74-88; Polyander, *SPT*, vol. 1, Disp. 18.29. “Humane Laws as penall, take life from Law makers: as reasonable, they have life from the eternall Law of God.” Samuel Rutherford, *Lex, Rex: The Law and the Prince. A Dispute for the Just Prerogative of King and People. Containing the Reasons and Causes of the Most Necessary Defensive Wars of the Kingdom of Scotland, and of Their Expedition for the Ayd and Help of Their Dear Brethren of England. in Which Their Innocency Is Asserted, and a Full Answer Is Given to a Seditious Pamphlet, Intituled, Sacro-Sancta Regum Majestas, Or the Sacred and Royall Prerogative of Christian Kings; Under the Name of J. A. but Penned by Jo: Maxwell the Excommunicate P. Prelat. with a Scripturall Confutation of the Ruinous Grounds of W. Barclay, H. Grotius, H. Arnisæus, Ant. De Domi. P. Bishop of Spalata, and of Other Late Anti-Magistratical Royalists; as, the Author of Ossorianum, D. Fern, E. Symmons, the Doctors of Aberdeen, &c. in XLIV. Questions.* (London: Published by Authority, 1644), 207.

Decalogue, nor could they approve any ordinance that promoted, protected, or advanced it. Therefore, civic approval for the construction of buildings for idolatrous worship, any *public* expression of idolatry, or its *public* promotion was condemned.¹⁴³ All ordinances of this type are direct violations of the faithful obedience to the First Table, notably its First and Second Commandments.¹⁴⁴ The right of civil government to enforce the First Table of the law was well affirmed. There was opposition to the tyranny of Christian magistrates persecuting other Christians of differing doctrinal beliefs. Still, the pluralistic idea of two rival religious systems with two different deities and legal codes co-existing peacefully within one commonwealth was considered contrary to Moral Law and the supreme sovereignty of the sole Creator and Law-giver.

Rules for Interpreting the Decalogue

As did their continental Brethren, the Westminster Assembly took great pains to expound each of the Ten Commandments. In the *Larger Catechism*, they added a question beforehand that delineated eight commonly held rules for rightly understanding them.¹⁴⁵ These rules illustrate the extensive expansion divines connected with the Decalogue as a summary of Moral Law. Westminster's eight rules are,

A. For the right understanding of the ten Commandments, these rules are to be observed.

¹⁴³ The public manifestation of idolatry must be distinguished from any private expressions of it. This does not mean that private acts of idolatry were approved. Rather, since the magistrate's sphere of authority concerns the welfare of the commonwealth, he was to protect the commonwealth from every onset of danger to, or assault upon, the commonwealth. This included not only the attacks from other nations or domestic instability but also divine judgments as consequence of such flagrant open acts of blasphemy and idolatry (Cf. *Westminster Annotations*, 1 Kings 18:18). Likewise, Zanchi stated concerning the civil restraint of moral violations associated with Natural Law that "Political laws, however, prohibit only external crimes and command only external duties. Consequently, they do not punish the desire of sin but the sinful external action itself." Zanchi, *On the Law*, 40. In this sense, such self-preservation, even for an entire society, falls under the pretense of Natural Law as one of its foremost principles and conclusions. On this basis (but not solely), Westminster theology held that the magistrate was to enforce the First Table of the Decalogue as well as the Second Table. The illustration of kings in Israel, Egypt, Assyria, and those commonwealths located around the borders of Canaan prove that idolatry is hated by God and will be judged. Those who seek to excuse this obligation by stating that Israel's kings cannot be used because they were a "theocracy" have much to prove. For more on Theocracy, see Glenn E. Dire, "The Invalidity of Pro-Theocratic Presuppositions in Biblical Argumentation" (Union School of Theology's Annual Conference, Wales, UK, 2019), 32. For more on the role of the magistrate's enforcement of the First Table, see Gillespie, *Wholesome Severity*, 1-4. There Gillespie distinguished the three views on the subject into what he called the Papist, Donatist, and Presbyterian or Calvinist view.

¹⁴⁴ Cf. George Gillespie's treatise *Wholesome Severity*.

¹⁴⁵ Johann Gerhard provided twenty one directives for rightly interpreting the Decalogue and Ursinus listed eight. Gerhard, *Common Places*, 55-57; Ursinus, *Heidelberg Catechism*, 502-503.

- [1.] That the Law is perfect, and bindeth every one to full conformity in the whole man unto the righteousness thereof, and unto entire obedience, for ever; so as, to require the utmost perfection of every duty, and to forbid the least degree of every sin.
- [2.] That it is spirituall; and so, reacheth the Understanding, Will, Affections, and all other powers of the soul, as well as words, works, and gestures.
- [3.] That one and the same thing, in divers respects, is required or forbidden in severall Commandements.
- [4.] That, as, where a duty is commanded, the contrary sin is forbidden; and, where a sin is forbidden, the contrary duty is commanded: so, where a promise is annexed, the contrary threatening is included; and, where a threatening is annexed, the contrary promise is included.
- [5.] That, what God forbids, is at no time to be done; what he commands, is alwaies our duty, yet every particular duty is not to be done at all times.
- [6.] That, under one sin or duty, all of the same kinde are forbidden or commanded, together with all the causes, means, occasions, and appearances thereof, and provocations thereunto.
- [7.] That what is forbidden or commanded to our selves, we are bound, according to our places, to endeavour that it may be avoided or performed by others, according to, the duty of their places.
- [8.] That, in what is commanded to others, we are bound according to our places and callings to be helpfull to them; and to take heed of partaking with others in what is forbidden them.¹⁴⁶

The first two rules describe two characteristics of Moral Law. The first is that it is perfect, and the second, it is spiritual. For Westminster to affirm the Moral Law's perfection was to declare humanity's perpetual obligation to it in every detail, regardless of how small or large. This rule supports their doctrine of Moral Law's untainted nature and humanity's depraved condition as discussed above under the *Imago Dei*. As Ridgley stated, "[t]his implies that, how unable soever we are to yield perfect obedience, yet it does not cease to be a duty."¹⁴⁷ The Moral Law's spiritual nature denotes its power to direct humanity's outward/physical conduct and their inward/spiritual actions. Therefore, according to Ridgley, "our wills express a readiness to obey him out of choice, and without the least reluctance, --and that our affections must centre in him, we performing the duties incumbent on us, with the utmost delight and pleasure."¹⁴⁸

The last two rules relate to public interrelational duties demanded by the Moral Law. Rule seven notes that what is forbidden or commanded to us, we are duty bound to see that

¹⁴⁶ Bower, *LCCTI*, Q. 99.

¹⁴⁷ Ridgley, *Body of Divinity*, vol. 2, 312, Q. XCIX. See Ridgley for a fuller explanation of these eight rules. *Ibid.*

¹⁴⁸ *Ibid.*

others either avoid or perform respectively according to their stations in life. Rule eight implies that we are to assist others to keep those commands imposed on them. These two rules demand each person know and use their authority, position, and influence so that the Moral Law is kept both in their lives and their neighbor's.

The middle four rules are expressive of the moral summation of the Decalogue and its expansiveness. Rule three addresses the overlap and interconnectivity between commandments and how one command may relate to others. Rule four is the rule of opposites and intimates that negative commands presuppose positive duties to keep and positive commands presuppose negative actions to avoid. Rule five distinguishes between negative and positive commands by emphasizing that whatever God forbids is never to be done. The things he commands are to be done only when they are providentially and circumstantially proper. Thus, adultery is never to be engaged in, while the sacrament of baptism is only done when there is an appropriate subject to baptize. As Johannes Wollebius declared,

negatives are of a far larger extent; whereas affirmatives include circumstances: affirmatives obliged alway, but not incessantly; whereas negatives oblige both alwayes, and incessantly. For example, we are always bound to do our neighbor good, but not incessantly, for there's not continually occasions to do him good: on the contrary, it is never lawful to hurt our neighbor.¹⁴⁹

Rule eight is the rule of synecdoche. It affirms that each of the Ten Commandments includes all sins related to a particular commandment and all occasions, means, or causes to engage in it. Accordingly, the First Commandment prohibits not only idolatry but also polytheism and atheism. Any means or cause that may lead to a violation of this command is condemned, as is any appearance of idolatry or any sin associated with it.

Scripture: Moral Law's Fullest Expression

For Westminster, the fullest expression of Moral Law given to humanity is the Scriptures of the Old and New Testaments. In the first chapter of the *Confession*, they professed,

The whole counsel of God, concerning all things necessary for his own glory, man's salvation, faith, and life, is either expressly set down in scripture, or by good and necessary consequence may be deduced from scripture: unto which nothing at any time is to be added, whether by new revelations of the Spirit, or traditions of men.

¹⁴⁹ Wollebius, *Christianae Theologiae Compendium*, 93.

So complete is the counsel of God's Word that nothing is to be added unto it. The sixty-six books of Scripture were considered the "the Rule of Faith and Life," while *WLC* Q. 3 proclaims the Scriptures of Old and New Testaments as "the *onely* Rule of Faith and Obedience."¹⁵⁰

Although the Decalogue is a summary of the Moral Law, other places of Scripture expound on and expand upon that moral summary. As Burgess stated,

For this you must know, that Moses in other places doth explain this Law; and Davids Psalmes, and Solomons Proverbs, as also the Propheties of the Prophets, so farre as they are Morall, are nothing but explications of the Morall Law.¹⁵¹

Likewise, Bolton stated,

the *Morall Law* which is *scattered* throughout the whole Bible, and *summed* up in the Decalogue. And for *substance* containes such things as are *good* and holy, and agreeable to the will of God, being the *image* of the Divine will; a *beame* of his holinesse: the summe of which is love to God; love to man.¹⁵²

Maynard compared the three different expressions of Moral Law in one straightforward sentence. This single sentence denoted the problem of Natural Law due to humanity's fallen condition, distinguished the Decalogue's summation and perfection, and its fuller revelation found throughout the Bible. In his words, "that which is imperfectly written in the minds of men naturally, is perfectly declared by the Law written by the finger of God in Tables of stone, scil. the ten Commandments, and more fully opened in other parts of Scripture."¹⁵³

Westminster's commitment to the Moral Law's perpetual binding authority is reflected in how they divided their catechisms. As seen in *WLC* Q. 5, which asks, *What doe the Scriptures*

¹⁵⁰ *WCF* 1.2, *WLC* Q. 3. (emphasis additional). *WCF* 1.2 delineates the sixty six books of Scripture and severs them from the Apocrypha, which is formally rejected in the following paragraph (1.3) on the grounds of their lack of divine inspiration and consequently, a lack of divine authority. Unless otherwise noted, all quotes from the *WLC* are taken from John R. Bower, *The Larger Catechism: A Critical Text and Introduction*, Principal Documents of the Westminster Assembly (Grand Rapid, MI: Reformation Heritage Books, 2010).

¹⁵¹ Burgess, *VL*, 171.

¹⁵² Bolton, *TBCF*, 73. "the Doctrine of Grace is nothing else but a Collection of promises, so the Law is nothing else, but a Collection of precepts, and in this sense saith Mr. *Calvin* here, by the word *Commandment*, we may take in all the Commandments of God. Not only those that are exprest in the Decalogue, but those which are scattered quite through the Holy Scriptures. The end of the Commandment, or of the Commandments, the whole Revealed will of God, concerning the *Agenda*, or things to be done, It is charity, or it is Love." Joseph Caryl (1602-1673), , *The Nature and Principles of Love, as the End of the Commandment Declared in Some of the Last Sermons of Mr. Joseph Caryl ; with an Epistle Prefixed by John Owen* .. (London, 1673), 7.

¹⁵³ Maynard, *LGR*, 76.

*principally teach?*¹⁵⁴ They responded with “[t]he Scriptures principally teach, what man is to believe concerning God, and what duty God requires of man.”¹⁵⁵ The answer provides the structure of the catechism. The first half of the catechism, questions 1-90, instruct concerning the theological truths to know and believe, while questions 91-196 explain the duties related to and flowing out of that body of theology. The Assembly highlighted this transition between questions 90 and 91 by inserting the following statement: “Having seen, what the Scriptures principally teach us to believe concerning God; it follows to consider, what they require as the duty of man.” By stating it this way, Westminster emphasized the correlation between truths and the moral duties unto which they obligate.

Therefore, questions 91-148, which begin this final half of the catechism, deal specifically with God’s Moral Law as expressed in the Decalogue. Questions 149-153 treat the issue of sin, which is a transgression of God’s law. Per the answer to question 154, questions 155-196 give instructions concerning the evangelical duties of reading, preaching, and hearing God’s Word (154-160). Following this section is the section on rightly observing the sacraments (161-177). The last set of questions from 178-196 addresses prayer and explains the Lord’s Prayer found in Matt. 6:9-13. One even finds the continued emphasis upon the “whole word of God” as the directive and rule of obedience for one’s life in question 186.

A Minor Philosophical Divide

The English divines of Westminster held a nuanced difference from their Protestant Continental brethren as it pertained to the *fullest expression of Moral Law*. In accordance with the philosophical approach of Franciscus Junius (1545-1602), Continental divines posited that the fullest expression of Moral Law was to be found in what they termed “eternal law.”¹⁵⁶ This Eternal Law was the *archetype* of all revealed law and resided in God alone.¹⁵⁷ All revealed law

¹⁵⁴ Although more abbreviated, the *Shorter Catechism* follows the same format as the *Larger Catechism*. The WSC divides between questions 38 and 39. All quotations from the WSC are taken from Westminster Assembly, *Westminster Confession of Faith, 1646*, reprint (Glasgow: Free Presbyterian Publications, 1994).

¹⁵⁵ WLC Q. 5.

¹⁵⁶ For a fuller treatment of Eternal Law by Junius, see Junius, *Mosaic Polity*.

¹⁵⁷ Within the Archetype/Ectype paradigm, the archetype is the model or source from which other things of similar nature are derived. In this sense, the archetype is the prototype of origin of those other things. The ectype refers to those other things flowing out of or from the archetype.

was then considered the *ectype*.¹⁵⁸ God revealed the moral precepts found in Natural Law, the Decalogue, and Scripture from this eternal fountain. These divinely revealed ectypal laws were divided between laws written or unwritten.¹⁵⁹

The English divines appear to be more inclined to follow the French humanist Petrus Ramus (1515-1572).¹⁶⁰ Instead of the Archetypal/Ectypal philosophy of Aristotle, upon which Junius' paradigm was built, Ramus developed a "method of dichotomous division" derived from an emphasis "on method, on practical utility" and "on simplification."¹⁶¹ Therefore, "any subject could be distributed into ever-smaller components and then arranged in diagrams."¹⁶² This arrangement "enabled the whole topography of knowledge to be displayed for instant comprehension."¹⁶³ His dichotomist approach influenced other prominent theologians in England, such as Johannes Piscator, Amandus Polanus, J. H. Alsted, William Ames, and William Gouge.¹⁶⁴ Ramus's ideologies even shaped the Puritanism of Cambridge.¹⁶⁵ Likewise, the dualistic model of covenant theology has a touch of his influence behind it.¹⁶⁶

This dualistic format was employed by many 17th-century English divines, especially those of Westminster. They chose to forego the Aristotelian philosophy of Archetype/Ectype and instead sought only to formulate what could be drawn from the Scriptures (*WCF* 1.1, 4, 6, 7, 8, 9, 10).¹⁶⁷ Even Continental theologian Polyander, who taught the Archetypal/Ectypal system,

¹⁵⁸ For more information on the Archetype/Ectype paradigm see Willem J. van Asselt, "The Fundamental Meaning of Theology: Archetypal and Ectypal Theology in Seventeenth-Century Reformed Thought," *Westminster Theological Journal* 64 (2002): 319–35.

¹⁵⁹ See above under "Natural Law."

¹⁶⁰ According to his biography, William Gouge was a staunch defendant of Ramus's methodology. Gouge, "A Narrative of the Life and Death of Doctor Gouge," in *Hebrews*, 1-2 (unnumbered).

¹⁶¹ Sinclair B. Ferguson, ed., "New Dictionary of Theology" (Downers Grove, IL: InterVarsity Press, 1988), Ramus, Petrus, 557.

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ Gouge became addicted to Ramus's logic while at Kings College in Cambridge. The biographical record found in the beginning of Gouge's commentary on Hebrews records an account of his victorious apologetic defense of the system against denouncing Sophists, and the resulting uproar that occurred at the college. Gouge, "A Narrative of the Life and Death of Doctor Gouge," in *Hebrews*.

¹⁶⁵ Ferguson, "New Dictionary of Theology", Ramus, Petrus, 558.

¹⁶⁶ *Ibid.*

¹⁶⁷ Although the *Synopsis of Purer Theology* begins its Disputations with the Scriptures as does the *Westminster Confession of Faith*, the difference of not absolutely resting in them apart from human philosophy and

recognized that Scripture does not address “the essential conceptual content that exists in the divine understanding as in an archetype.”¹⁶⁸ This observation does not imply that Continental divines denied *sola scriptura* or that the Scriptures are the most complete *written source* of Moral Law. Nor does it suggest that English divines rejected God as the ultimate source of all Moral Law. Instead, it is the *eternal law* category that is questioned by English divines. To establish a doctrine, English divines had to have some warrant from Scripture, either expressly or by logical deduction.¹⁶⁹ Perceiving Scripture’s silence on this issue, they abandoned by and large the posited category of Eternal Law as theorized on Aristotle’s Archetypal/Ectypal paradigm.¹⁷⁰ Beyond this minor philosophical, paradigmatic difference, the rest of the systematic treatments of biblical law between the two are in abundant agreement.¹⁷¹

Conclusion

For the Assembly, the preeminence of Moral Law above other Mosaical laws is evidenced by the divine events associated with the giving of the Decalogue at Mount Sinai. The three expressions of Moral Law in Natural Law, the Decalogue, and the Scriptures also demonstrate its preeminence. The degree of moral essence or quality between the three expressions is the same, yet a differing degree of quantity of moral principles/precepts is revealed under each. According to assembly members, Moral Law is perpetually a part of humanity as an aspect of the *Imago Dei*. Thus, humanity is to reflect that divine image in the righteous and holy duties that it reveals. Moral Law’s preeminence is expressed in Moral Law as the *Imago Dei*, both before and after the Fall of Adam. As concreated in humanity, allowance is made for its distortion within humanity while leaving the essence of human nature intact.

speculation is discerned in Polyander’s treatment of law, especially *SPT*, vol. 1, Disp. 18.10. Once Polyander has passed this doctrinal inclusion, the remainder of the treatment of law is consistent with that of the English Divines of the Assembly. The strict adherence to Scripture does not deny logical inferences within Scripture (*WCF* 1.6 “good and necessary consequence”).

¹⁶⁸ Polyander, *SPT*, vol. 1, Disp. 18.10.

¹⁶⁹ *WCF* 1.1, 2, 6.

¹⁷⁰ Youngchun Cho’s work on Anthony Tuckney also concluded that Tuckney did not use Archetypal/Ectypal language. Cho is comparing Tuckney’s writings to that of Turretin. Youngchun Cho, *Anthony Tuckney (1599-1670) Theologian of the Westminster Assembly* (Grand Rapids, MI: Reformation Heritage Books, 2017), 44.

¹⁷¹ One quickly discerns this agreement by comparing such works as the *Synopsis of a Purer Theology*, Girolamo Zanchi’s *On the Law in General*, Johannes Althusius’ *On Law and Power*, and Francis Turretin’s *Institutes of Elenctic Theology* with the personal writings of the assembly this thesis has taken under review.

Salvation's aspects of regeneration and sanctification are directly connected with the reforming of that holy image within the regenerate. Thus, the idea of the Moral Law as separated or alien to the justified believer is antithetical to Westminster's soteriology.

Moral Law's preeminence is further highlighted by its divine restatement at Mt. Sinai and all the accompanying events surrounding it. The Decalogue's delivery, recording, and preservation testified to the Moral Law's preeminence above Israel's Ceremonial and Judicial Laws. Moral Law was written summarily on stone tablets by God's finger and inscripturated under the direction and superintendence of God's Spirit. Within the tripartite distinction of biblical law, the Ceremonial and Judicial Laws were dependent appendages that served as explications of the Moral Law. As divine conclusions specifically given to Israel, those dependent laws directed Israel in keeping the Moral Law at that time and place.

As with the divine conclusion of the Mosaical laws which could never contradict Moral Law, all human laws as conclusions of Natural Law must not contradict Moral Law. Human laws must advance the directives of Moral Law. In this way, both the divine conclusions of the Mosaical laws and every human law are subservient to the Moral Law and thereby demonstrate Moral Law's supremacy. The following chapter explores the Moral Law's preeminence by examining Westminster's view of its characterizing *essence*, which sets it apart from all other laws, whether divine or human.

CHAPTER 4: MORAL LAW'S ESSENCE: PERPETUAL & UNIVERSAL

For the Assembly, Moral Law's preeminence was understood not just by the *events* surrounding its pronouncement at Mount Sinai or its varied *expressions*. These two are important but they are the result of Moral Law's *essence* as universal and perpetual. Moral Law's universal and perpetual force is traced back to the Garden of Eden.¹ There, Adam and Eve, who at first were naked and not ashamed (Gen. 2:25), found themselves sinful, naked, and ashamed due to sin and the immediate sting of an accusing conscience (Gen. 3:7-8).²

Although Adam plunged all humanity into sin and depravity, Westminster theology maintained that every individual still possesses a conscience bound by Moral Law. Like a judge, the conscience works tandemly with the Moral Law written on the heart to approve righteous actions or condemn wicked ones.³ As a result, Moral Law stands as the perpetual, immutable standard to which every individual has relation and unto which all naturally demonstrate some degree of obedience no matter how depraved. This is testified to experientially by investigative historian Peter Vronsky, who noticed that even the most hardened criminals in prison possess and understand principles of justice. His article stated, "There's a hierarchy in prison, and child molesters and child murderers are lowest in rank. Whether they're serial offenders or not, sexual killers are targeted [by other inmates]."⁴ Because of a child's vulnerability, the prisoners' hierarchy of crimes places those who perpetrated offences against children as the most offensive and worthy of punishment.

¹ *Westminster Annotations*, Gen. 2:25. Comp. *WCF* 6, see esp. paragraph 6; 19.1-2; 20.1-4.

² The Assembly attached Rom. 2:15 as a proof-text to statements found in *WCF* 1.1, 4.2, 6.6, 19.1; *WLC* 17, 89, 92, 96; *WSC* 40. Cf. *Westminster Annotations* on the context of Romans 1:18-2:15, see esp. 1:18-20 and 2:14-15.

³ *Westminster Annotations*, Rom. 2:15.

⁴ Crystal Ponti, "Jeffrey Dahmer and Other Serial Killers Who Were Murdered in Prison," May 14, 2021, <https://www.aetv.com/real-crime/serial-killers-who-were-murdered-in-prison>.

Whether doctrinally or experientially, the idea conveyed is that the conscience only functions as a consequence of its relation to the Moral Law as a perpetual standard written within every human heart.⁵ This chapter will examine the third and final characteristic of the Moral Law within Westminster's tripartite division of biblical law. Having discussed their affirmations of the unique events surrounding its giving and the three foremost expressions of it, it remains to examine what the Assembly considered it most defining characteristic: Perpetuity.

Moral Law as a Law

Moral Law is classified as a species of divine law. The Assembly understood that any divine law, as a law, is imposed to command and direct obedience.⁶ There are multiple words translated as "law" in Scripture, and the word itself is used with various meanings.⁷ Yet, in seeking to define Moral Law, many members were concerned that some definitions were too broad while others were too narrow. A proper definition of Moral Law is a prerequisite for a proper understanding of its intended function and place within biblical law as Westminster understood it.

Manners of Men: Too Broad

In response to those who defined Moral Law solely as the "manners of men," Cawdrey argued that equating Moral Law with men's manners is "too large a sense" or, rather, too broad a

⁵ "Because the conscience is nothing else but the correspondencie of the spirit of man unto the law, to bind or loose him; to accuse or excuse him; to condemne or absolve him; therefore since the Gentiles have a conscience, they must have a law also." *Westminster Annotations*, Rom. 2:15.

⁶ "The sovereignty in God is not an arbitrary rule in which infinite reason manifest no sway, but is rather a sovereignty exercised in and through sacred law-- a law worthy of him who not only enacts it as a rule for his creatures, but himself illustrates and obeys it throughout his holy administration. Law thus, in the fine phrase of Hooker, hath her seat in the bosom of God, and her voice is but the expression of his august purpose and his majestic will." Morris, *Theology of the Westminster Symbols*, 506. Cf. Durham, *Ten Commandments*, 4; Alfred Nevin, *Notes on the Shorter Catechism* (Philadelphia, PA: Presbyterian Board of Publication and Sabbath-School Work, 1878), 183.

⁷ Some of the words translated as law or its synonym are: Hebrew words: מצוה, משפט, צדיק, תורה, חק, דת ; Greek words: νόμος, ἐντολή, δόγμα ; Latin: *lex*. This thesis does not permit space for a full treatment but examples can be found in the following works: Bolton, *TBCF*, 68f; Burgess, *VL*, 11-12; Cf. Polyander, *SPT*, vol. 1, Disp. 18.2-9. For a more in depth discussion on the origin and differing meanings see Gerhard, *Common Places*, 3-10 and Ursinus, *Heidelberg Catechism*, 489-90. Gouge listed way (דָּרָךְ), law (תּוֹרָה), testimony (עֲדוּת) precept (פְּקוּדָה), statutes (חֻקִּים), commandment (מִצְוָה), judgments (מִשְׁפָּטִים), righteousness/justice (דִּקְדוּשָׁה), word (דְּבָרָה), word (אִמְרָה). Gouge, *Hebrews*, 7, Sect. 38, p. 147-48. Gouge also has a discussion on the difference between a law and a commandment. *Ibid.*, 147.

scope and must be qualified.⁸ Although Cawdrey affirmed that the Moral Law concerned manners, he stressed greater definitional precision regarding the essence of Moral Law.⁹ The reason is that under such a vague and general definition, *any precept* could be classified as moral.¹⁰ Therefore, if Moral Law's distinctive is founded upon people's conduct, all distinctions between the different legal species are lost. He was not saying that Moral Law does not govern people's behavior; rather, he argued that this all-encompassing aspect of men's manners does not define Moral Law adequately or precisely. Burgess acknowledged the word moral "directeth and obligeth about manners."¹¹ He then stated that if such a broad definition were admitted for Moral Law, it would also be "applicabl[e] even to the Judiciall and Ceremoniall: and these are in a sense command[ed] in the Moral Law, though they be not perpetuall."¹²

Natural Law: Too Narrow

On the other hand, there was a definition of Moral Law some members considered "much too narrow."¹³ Some sought to equate Moral Law with Natural Law. For Cawdrey, this was an

⁸ Cawdrey, *CSV*, 2. For examples of possible definitions referring to "manners of men" see Bullinger, *Decades*, 3.5, Sect. 308 and *The Confession of Saxony*, Article 23 in Beza's *Harmony of Protestant Confessions*, 487. After noting the duty of the magistrate to promote the Moral Law as found in the Ten Commandments or the law natural, the next paragraph refers to "these divine and immutable laws" as being "witnesses of God, and chief rules of manners." This language can still be found a century after the Assembly in the Exposition of the WSC by John Brown in 1758. John Brown, *An Help for the Ignorant Being an Essay Towards an Easy Explication of the Westminster Confession of Faith, and Catechisms...By John Brown, V.D.M.* (Edinburgh: Printed by David Gray, for William Gray, and sold at his Shop, Head of the Cowgate, 1758), 197–98. Both Flavel and Fisher opposed restricting the definition of Moral Law to the "manners of men." Flavel, *Exposition of the Assemblies Catechism*, 103; Fisher, *Assembly's Shorter Catechism*, Q. 40, q.12. In what is likely a direct quote from Fisher, Alexander Paterson stated, "Although the word moral has literally respect to the manners of men, yet, when applied to the law, it signifies that which is perpetually binding, in opposition to that which is binding only for a time." Alexander Smith Paterson, *A Concise System of Theology on the Basis of the Shorter Catechism*, 4th Edinburgh, Forgotten Books, Classic Reprint (New York, NY: Robert Carter, 1847), 156.

⁹ Cawdrey, *CSV*, 4.

¹⁰ *Ibid.*, 2.

¹¹ Burgess, *VL*, 148.

¹² *Ibid.*

¹³ Cawdrey, *CSV*, 2. It appears from the marginal note ("G. Irons. of sab.q.7.?.77.") that this is a quote from Gilbert Ironsides but the exact quote cannot be found within Ironsides' work on the Sabbath. Nonetheless, his treatise is an answer to seven questions concerning the Sabbath and within that work he does equate the Moral Law with Natural Law immediately following a sentence on the manners of men as they are either good or evil and agree or disagree with right reason. He noted how the Moral Law prescribes to man how to govern himself "as right reason neither blinded nor corrupted doth require. Hence it is, that the Law Morall, is the Law Naturall; for that only is right reason not corrupted which God imprinted in the heart of man in creation with an indel[e]ble character never to be blotted out." Gilbert Ironsides, *Seven Questions of the Sabbath Briefly Disputed, after the Manner of the Schooles Wherein Such Cases, and Scruples, as Are Incident to This Subject, Are Cleared, and Resolved*, by Gilbert

error in the opposite direction. He agreed that Natural Law was an expression of Moral Law but did not see them as fully equated. Natural Law is Moral Law, but not all moral laws are natural laws.¹⁴ This view was at the heart of their argument when defending the dual species of Moral Law as comprised of both Moral-natural and Moral-positive as discussed below. Cawdrey's foundational defense for the Sabbath's morality rested on this argument. For him, Natural Law was only equated with Moral-natural laws.¹⁵ Therefore, if Natural Law solely defined Moral Law, then the entire species of Moral-positive law would be excluded.¹⁶ By insisting on the species of Moral-positive as Moral Law, Cawdrey dismissed too narrow a definition that disqualified many precepts like the Fourth Commandment from being included and thereby not viewed as perpetual.¹⁷

Perpetuity: Primary Categorical Essence of Moral Law

There were two essential characteristics commonly stipulated for classifying a precept as moral: *perpetuity* and *universality*.¹⁸ These two fundamental characteristics elicited qualifications from assembly members and are not as clear-cut as may at first appear.

Ironside B.D. (Oxford: Printed by Leonard Lichfield printer to the famous University, and are to be sold by Edward Forrest, 1637), 66.

¹⁴ Other expressions of Moral Law included the Decalogue and all moral laws found throughout Scripture. Both of these moral expressions were considered more detailed than Natural Law, even though in essence, they were all considered moral due to their perpetuity. This will be discussed in greater detail in the following chapter.

¹⁵ Although Cawdrey qualified his view of Natural Law and Light of Nature in reference to Adam's Fall and the resulting corruption, there is a clear reference in both definitions to the "principles" associated with Natural Law. "a Law Morall-Naturall, we think, may thus properly be exprest: [*A Law of Things necessary to be done or forborne, toward God or Man, our selves, or others: which the Nature of Man now (though corrupted) either doth acknowledge, or may at least be convinced of to be such, (even without the Scripture) from Arguments drawn from those Principles which are in the hearts of all men generally even now.*] So that he must contradict some of those Principles, which yeelds not to those Lawes, specially when he is rationally urged with them. Or more briefly thus: [*A Law of Nature is a Law, which may be proved not only just, but necessary, by Principles drawn from the light of Nature, which all Reasonable men have still in their hearts.*]. Cawdrey, *CSV*, 9.

¹⁶ *Ibid.*, 2-3, 11-12. The second chapter of his treatise detailed the rules for determining a Moral-positive law. Cf. *WCF* 21.7 where the Sabbath is related as being connected with "the Law of Nature," yet set apart in Scripture as a "positive, Moral, and perpetual Commandment, binding all men, in all Ages."

¹⁷ Cawdrey, *CSV*, 13, 37f. This dual species of Moral Law is reflected in *WCF* 21.7 where the Sabbath as a necessary time of worship is rooted in the law of nature (Moral-Natural), the actual proportion of time for that worship is stipulated in God's Word and described as being a "positive, Moral, and perpetual Commandment" (Moral-positive).

¹⁸ Gouge's first catechism question on the Sabbath asked, "Is the Sabbath morall, or ceremonial?" His answer of "Morall" is then explained and that explanation held forth both aspects of universality and perpetuity: "That is accounted morall, which (as a rule of life) bindeth all persons, in all places, at all times." William Gouge, *The Sabbath Sanctified*, Q. 1.

Let it be stated at the outset that the only characteristic truly requisite for classifying a precept as moral is *perpetuity*. Universality was many times recognized, but the fundamental quality needed was perpetuity.¹⁹ When Cawdrey embarked on his explanation for determining a law to be moral, he stated the terms “Morall” and “Perpetuall” in his treatise were to be taken “for one and the same thing.”²⁰ Likewise, the following quote is but one of hundreds of examples possible demonstrating *moral law* was primarily understood as *perpetual law* in the seventeenth century.

Q. What Law is that that is the Rule of mans obedience[.]

A. The Moral Law.

Q. What is it so called?

A. Because it hath a perpetual binding power in all ages to the worlds end.²¹

For Westminster, this quality was not optional for correctly classifying a precept as moral. So essential was this quality that Cawdrey referred to the whole category of moral laws as “the Perpetuals.”²² Similarly, the distinguishing characteristic of typology for ceremonial laws led him to refer to that legal body as “the Typicalls.”²³ Even though perpetuity was the dominant quality of the two in Moral Law, universality was ascribed under certain conditions and must be examined.

Before doing so, it is best at this point to provide two critical definitions of Moral Law. The first is from the Assembly, and the second comes from Cawdrey. The Assembly’s formal definition is found in their *Larger Catechism* Question 93, which states,

¹⁹ Comp. “The moral law is the one which by means of general commands that are perpetually and mutually true (commands that are in harmony with the divine and natural right and that are absolutely necessary and useful for each and every human being) prescribe the just and precise way of living according to God’s will.” Polyander, *SPT*, vol. 1, Disp. 18.34; see also the attached footnote to this statement where “mutually true” is explained: “*Reciproce vera* expresses that the truth of these commands is universal.” Ibid., FN #12.

²⁰ Cawdrey, *CSV*, 17. Comp. “The ten Commandments are morall, therefore perpetuall.” Ram, *The Countrymans Catechism*, 31.

²¹ S. W., *A Short Explication of the Shorter Catechism Composed by the Reverend Assembly of Divines. In Which Every Answer (Which Is in It Self an Entire Proposition) Is Taken Apart, and Resolved into Short Questions and Answers, with the Proofs Set in Their Proper Places, to That Part of the Answer, for Which They Are Also Quoted: As Also Any Difficult Expression Opened, That May Seem to Mean Capacities Hard to Be Understood* (London, 1667), 59–60. Many other supporting quotes are scattered throughout the remainder of the thesis.

²² Cawdrey, *CSV*, 30.

²³ Ibid., 6.

What is the Morall Law? A. The Morall Law is the declaration of the will of God to mankinde, directing and binding every one to personall, perfect, and perpetuall conformity and obedience thereunto, in the frame and disposition of the whole man soul and body, and in performance of all those duties of holinesse and righteousnesse which he oweth to God and man; promising life upon the fulfilling, and threatening death upon the breach of it.²⁴

This definition focuses on God's will for humanity's actions towards God and others, both internally and externally. Both aspects of universality and perpetuity are evident in the definition. As the personal writings of assembly members are examined, it appears this compromised definition, although proper, is elementary.²⁵ The definitional brevity masks the complex understanding of Moral Law espoused by assembly members. This description is not to say the *WLC* is wrong in its definition. Instead, the point is that the definition is rudimentary, therefore veiling the Moral Law's extraordinary depth and complexity as understood by some members of the Assembly.

Cawdrey's definition will be used as a comparative definition.²⁶ Four reasons led to choosing this definition. First, it comes with the affirmation of three assembly members. Secondly, the definition appears to be vastly different from that of the *WLC* Q. 93. Thirdly, he followed up the definition by a defensive explanation of each phrase which aids in correctly understanding the authorial intent of each phrase. And fourthly, other prominent assembly members conveyed the same understanding of Moral Law in their writings. The Moral Law, as defined by Cawdrey is,

Any Law of God exprest in Scripture, whether it can be proved Naturall, or not; which from the time it was given, to the end of the world, binds all succeeding Generations of their Posterity to whom it was given; and more specially obliges the Church, because the Scriptures, the Word of God, was specially written for them, and comes specially to them.²⁷

²⁴ *WLC* Q. 93.

²⁵ "compromised" see chapter 1, FN #39.

²⁶ Their need for definitional precision stems from the confusion surrounding the perpetuity of the Sabbath derived from vague or errant definitions of Moral Law.

²⁷ Cawdrey, *CSV*, 3; cf. p. 7. In addition to these two definitions, an attentive reading of the Assembly members' varied explanations of Moral Law, reveals that there are at least seven notable features of Moral Law: 1) it concerned man as a rational creature, made in the image of God, 2) it is universal, 3) it is perpetual, 4) it is essentially equated with Natural Law and the Decalogue, 5) it can be divided into the two categories of Moral-natural and Moral-positive, 6) its general principles of equity can be expanded and made more particular, 7)

There are noted elements within this definition that seem foreign to the WLC's definition. The emphasis upon Scripture and the Church is omitted from the Assembly's definition. Cawdrey also alluded to Natural Law, even if only in a clarifying manner. One glaring difference is the statement it "binds all succeeding Generations of their Posterity to whom it was given."²⁸ This statement alone leads one to question universality as a prerequisite of Moral Law. These differences are critical and as the two common distinctions of universality and perpetuity are examined below, they are more thoroughly addressed. Readers may readily affirm universality and Perpetuity in Moral Law, but assembly members made qualifications that must be more fully explored.

Difference between Moral-Natural and Moral-Positive

It was common to speak of a moral precept as either Moral-natural or Moral-positive.²⁹ This division was a must for understanding the legal systematics held by some of its members.³⁰ In both cases, the precepts were considered moral due to their perpetuity. What divided a perpetual precept between Moral-natural and Moral-positive was its relation to God, who formed it. A Moral-natural precept was derived from God's nature, while a Moral-positive precept was founded on God's will.

Moral-natural laws are derived from the nature of God and are as immutable and perpetual as God. For God to annul or break any of these precepts would amount to a denial of his own nature.³¹ Such a denial was believed impossible for God to do.³² Although Bolton

Adam's Fall impacted a right understanding of this law which was divinely written on his heart at Creation and was part of his divine image bearing. All of these features will be addressed at some point within this thesis.

²⁸ Ibid.

²⁹ Whether a theologian preferred the terms *natural* (in contrast to positive), *natura-moral*, or *moral-natural* was irrelevant to the meaning. They were different terms for the same concept when speaking of moral laws. The same was true for the term Moral-positive (positive-moral, or moral-positive). Cf. Walker, *DS*, 64.

³⁰ Bolton grounded his reasoning on this dual division when coming to defend his statement that we must do what God has commanded not merely because he has commanded it. There he stated, "you must know there are two-fold laws, Positive and Naturall." Bolton, *TBCF*, 206. Cawdrey's entire defense of the fourth Commandment as moral rests on the reality of both categories within Moral Law. He goes to great lengths to define and defend the category of Moral-positive.

³¹ "God's natural laws and precepts are based upon His eternal character, and come from the very nature of God Himself. If God were to do away with natural laws, it would require His very nature to change and would do violence to His own character." Sproul, *Truths We Confess*, 424.

³² There are some things Assembly members professed God could not do: "only God cannot deny himself nor his word, and therefore we are confident." Burgess, *VL*, XIII, 127. Rutherford spoke of "God quho [sic] can not

espoused this definition of Moral-natural, Cawdrey put forth a variant and minority definition by equating them with Natural Law.³³ This divergent definition no longer rooted these precepts in God's nature but rather in the laws naturally written on humanity's heart at Creation.³⁴

A positive law in general did not necessarily flow from God but could be a precept enacted by a human being. There are two primary differences between a positive law of divine and human origin.³⁵ The first is that humanity may alter or abolish a human positive law but cannot modify or repeal a divine positive law. Secondly, only a positive divine law binds the conscience.³⁶

lie." Alexander F. Mitchell, *Catechisms of the Second Reformation*, Scholar Select (London: James Nisbet & Co. Berners Street, n.d.), 162. ("quho" is the Scottish form of "who" just as 'quhat' is "what"). Thomas Watson's 1692 exposition of the WSC stated, "God cannot go contrary to his own Nature, he cannot do any unholy Action, no more then the Sun can be said to be darkned." Thomas Watson, *A Body of Practical Divinity Consisting of above One Hundred Seventy Six Sermons on the Lesser Catechism Composed by the Reverend Assembly of Divines at Westminster: With a Supplement of Some Sermons on Several Texts of Scripture* (London: Printed for Thomas Parkurst, 1692), 70.

³³ Bolton, *TBCF*, 206.

³⁴ It could be argued that John Maynard ground Moral-natural laws in Natural Law when he referenced Sodom's destruction and set those natural laws, which they violated, in contrast with divine positive laws (Moral-positive). He stated, "Now the Apostle sheweth that death the punishment of sin fell upon them, so did many other judgements, the flood destroying the old world, the show[e]r of fire and brimstone upon *Sodom* fell within the compass of that time; and therefore certainly they were guilty of sin, and justly punished, because these calamities were the just judgements of God, who is the righteous judge of all the world; and therefore although these sinned not against any positive Law of God delivered to them either by word or writing, yet they sinned against the light and Law of Nature which God had given them." Maynard, *LGR*, 188-89. Even if Maynard did not hold such a position, he still acknowledged the dual species of Moral Law. This thesis will not permit a more detailed investigation into the foundational reasons as to why these influential Assembly members held this view or the theological ramifications it produced. What is important for this thesis is the category of Moral Law known as Moral-natural comprised of immutable, perpetual precepts held to be distinct from Moral-positive precepts formed by the will of God and therefore mutable. This immutable/mutable distinction was at the heart of either argument regardless of whether the theologian grounded Moral-natural laws in the nature of God or Natural Law. The only perceived difference is that Cawdrey's view would have allowed the alteration of some laws considered Natural Law to be altered or annulled by God, but only those not grounded in his nature. Such laws were classified under Moral-positive by other theologians.

³⁵ God's commanding Abraham to sacrifice Isaac under the category of a divine positive law. Although a test to try Abraham's faith as a divine, positive command, it concerns the moral nature of the Sixth Commandment. Divines commonly held that even if God had allowed Abraham to complete the act, it would not have been a sin because God had commanded it. Cf. Fisher, *Assembly's Shorter Catechism*, Q. 40, q.17-18.

³⁶ For a clear explanation of how human laws, if in accord with divine law, bind the conscience, see Calvin's explanation of the difference between binding in the *genus* and the *species*. There Calvin put forth that if the law was valid under the other Biblical criteria of adiaphora, then the actual human law (*species*) did not bind but the fifth commandment (*genus*) did bind. This is because all are to be subordinate to their superiors, even in the ecclesiastical realm. It is in this sense that Protestant confessions and theologians say that these issues of adiaphora *must* be obeyed if valid. This however, only applied to the aides for worship and not the elements of worship. No one had the authority to add to, detract from, or alter the elements God had prescribed for his worship. Calvin, *Institutes*, 4.10.5.

Moral-positive laws are of divine origin. Because Moral-positive laws, although perpetual, are rooted in the will of God rather than his nature, God can alter them if he so chooses.³⁷ This difference is crucial for distinguishing Moral-natural from Moral-positive precepts. The difference pertains to a precept's aspect of immutability and mutability, respectively.³⁸ From the human perspective, both are immutable. It seems the prevailing view among theologians on the Continent and in England held that of the two, only Moral-positive laws were considered alterable, and that by God alone.

The Fourth Commandment illustrates the point of difference. That God is to be worshipped is Moral-natural and cannot be altered by God or man.³⁹ This aspect of the law is predicated on the nature of God and rooted in the fact that he alone is God, and therefore, he alone is to be worshipped. Yet, the quantity of time and particular day that worship is rendered was solely determined by God's wisdom and will, and is therefore Moral-positive.⁴⁰

God chose one day out of seven for his Sabbath worship but was free to command any quantity of time. Consequently, God, not man, can alter both the amount of time or day upon which that worship is to be rendered. When expounding the Fourth Commandment, William Ames affirmed this view stating, “[y]et this positive right upon which this ordinance is grounded, is Divine right, and in respect of man altogether unchangeable.”⁴¹ A divine alteration happened when the seventh day, based on creation, was changed to the eighth day, based on redemption and the resurrection.

³⁷ This idea was critical for the defense of the morality of the Fourth Commandment, seeing the day upon which it was celebrated was changed from the seventh to the eighth day and because the quantity of time for worship (one day in seven), is not Moral-natural but must be divinely revealed and is solely based on the will of God.

³⁸ Junius constantly appealed to this dualistic division throughout his treatise on law. See Junius, *Mosaic Polity*.

³⁹ WCF 21.1.

⁴⁰ WCF 21.1. This concept is central to Cawdrey's argument and is the theme of chapters six through twelve. See also Walker, *DS*, 63-64 and John White (1575-1648), *A Way to the Tree of Life Discovered in Sundry Directions for the Profitable Reading of the Scriptures: Wherein Is Described Occasionally The Nature of a Spirituall Man: And, in a Digression, The Morality and Perpetuity of the Fourth Commandment in Every Circumstance Thereof, Is Discovered and Cleared*, by JOHN WHITE Master of Arts and Preacher of Gods Word in Dorchester in the County of Dorset (London: Printed by M. F. for R. Royston, at the signe of the Angel in Ivy-lane, 1647), 258–71. Comp. Ames, *Marrow*, ch. 13.1-4; 15.3-6.

⁴¹ *Ibid.*

Universality: Secondary Categorical Essence of Moral Law

Although not the primary distinction, the Westminster Standards still affirmed Moral Law's universal nature. *WCF* 19.1 speaks of Moral Law as that which "bound" Adam "and all his posterity." The consecutive answers in *WLC* Q. 93 through 95 also attested to the Moral Law's universality. Q. 93 states that the "moral law is the declaration of the will of God to mankind." The use of "mankind" is all-inclusive. Yet, the following phrase affirms that it also binds "every one to personal, perfect, and perpetual conformity and obedience thereunto." In Q. 94, it is useful and "common to all men...either unregenerate or regenerate." In this question and answer, the Assembly divided humanity into two groups, and both stand obligated to obey it. Violating it leaves the unregenerate "inexcusable, and under the curse thereof," while the regenerate are bound by it "as a rule of their obedience."⁴² In Q. 95, the answer states that the Moral Law is "of use to all men" and is "their duty, binding them to walk accordingly."

Although the concept of universality is not usually in question, four important caveats concerning this characteristic as espoused by certain assembly members are noted.⁴³ First, the Scriptures are the only trustworthy source for determining Moral Law, not universal adherence. Second, not all moral laws existed from the time of creation. Third, some Moral-positive precepts concern only the Church and exclude all who are outside her authority. Fourth, some Moral Laws must be understood as universal in light of the Church's catholicity.

Scripture Rather than Universal Adherence

Because it was common to associate universality with Moral Law, some individuals were prone to determine moral laws by universal adherence. In their defense, appeals could be made to the Apostle Paul's words in Romans 1 and 2. Even today, it is common practice to hear accounts of some remote, uncivilized tribe that prays and worships a foreign god, holds marriage sacred, theft as evil, and murder as a capital crime.⁴⁴ Upon these and like examples, a person then declares that this is proof of the Moral Law's universality, written on all men's hearts. Many go a step further and seek to provide a list of moral precepts based on pagan uniformity.

⁴² *WLC* Q. 96-97.

⁴³ Cawdrey stated, "For whereas *Universall*, and specially *Perpetuall*, are, even by their own confession, Characters of a *Morall Law*..." Cawdrey, *CSV*, 2.

⁴⁴ See esp. Rom. 2:14-15.

Cawdrey saw the latter as erroneous and instead brought a caution against it. He held that God wrote his law upon the hearts of all humanity as Paul declared in Romans 1 and 2.⁴⁵ He pointed to heathen and atheistic practice as proof there is such a law.⁴⁶ Yet, he denied that a list of moral laws can be determined based on pagan practice and acknowledgment.⁴⁷ If pagan practice becomes the ultimate determining authority, then the Fourth Commandment is not only denied as moral, so are the First and Second Commandments.⁴⁸ These are nowhere the universal actions of pagans. Cawdrey noted how even the Jews failed at times by worshiping false gods (First Commandment) and even worshipped the true God incorrectly (Second Commandment). As he saw it, if pagan adherence becomes the standard for determining moral laws, then

even the first Commandment will not be admitted to be Moral, because *all the world* generally worshipped a *plurality of Gods*: and so neither was the Law of [*having no other Gods but the Lord*] written generally in the hearts of the Gentiles.⁴⁹

By the method of universal adherence, known moral laws like the First, Second, and Fourth Commandments are denied to be moral, while others known to be ceremonial like sacrificing sheep, oxen, flowers, and wine may be mistakenly classified as moral.⁵⁰

Burgess argued the same but in a different manner. He denied developing a system of Moral Law (Natural Law particularly) on pagan uniformity due to the inconsistency among the nations. He concluded that some had tried to determine Natural Law “by the custome of Nations, that is, *jus Gentium*, but that is so diversified, that a sin with some was a virtue with

⁴⁵ Cf. Burgess’ agreement on the implanted law within Adam at Creation. Burgess, *VL*, Lect. XII, 113 and Lect. XV, 148. See also Walker, *DS*, Chapter XI, 58.

⁴⁶ Cawdrey, *CSV*, 73-74. Likewise, Assembly member John White, although he does not proceed to establish or determine moral laws on this premise, does appeal to the pagan practice of setting aside special days of celebration for things like “daies of their birth, of founding their Cities, of obtaining memorable victories” to support the setting aside of a day of worship as “an equity acknowledged by light of nature in the institution of the Sabbath.” White, *Way to the Tree of Life*, 279-80.

⁴⁷ *Ibid.* “And here it’s very hard to measure out the bounds of the law of Nature; for, some have judged that to be condemned by the law of Nature, which others have thought the law of Nature approveth: so true is that of Tertullian, *Legem Naturae opiniones suas vocant*, They call their opinions the law of Nature.” Burgess, *VL*, 63.

⁴⁸ *Ibid.*, 10. Burgess affirmed the same by appealing to the fourth commandment, “the Moral Law in some things that are positive, and determined by the will of God merely, did not binde all the nations in the world: for howsoever the command for the Sabbath day was perpetuall, yet it did not binde the Gentiles, who never heard of that determined time by God: so that there are more things expressed in that, then in the law of Nature.” Burgess, *VL*, XV.3, 148.

⁴⁹ Cawdrey, *CSV*, 10.

⁵⁰ *Ibid.*, 10.

others.”⁵¹ Therefore, failure would result if one started with God’s Moral Law and sought to confirm it by pagan uniformity or independently develop a moral code by the same method.⁵²

The lack of uniformity did not negate God’s Natural Law written in the heart. This Burgess readily affirmed by appealing to observable actions of the heathen, which he divided into external and internal.⁵³ Burgess deduced that observation of the heathen does demonstrate that “some of them” do formulate and practice “good and wholesome lawes” and that internally, their consciences produce either “comfort” or “feare” if they obey or disobey those good laws, respectively.⁵⁴ Yet, like Cawdrey, he could not affirm the idea of pagan adherence as a method for determining moral laws. One does not conclude what ought to be done from what is universally practiced, or even thought to be so.

These men affirmed Natural Law’s universality but argued that complete and uniform obedience was not universal due to human depravity. Adam’s Fall and its consequent corruption have affected humanity’s mind, will, and emotions; therefore, no complete uniformity of obedience exists since that time.⁵⁵ Consequently, they taught that all humanity is obligated to God’s Moral Law, but not all obey it. Thus, one may observe moral actions among people groups, but they must never seek to determine Moral Law by widespread conduct, regardless of how universal it appears. For the Assembly, Scripture alone truly defines and delineates the Moral Law of God.⁵⁶

⁵¹ Burgess, *VL*, 64.

⁵² Cf. *WCF*, 6.6. In his exposition of Romans 2:14-15, Burgess went further to state that a Heathen, may do the external act of a Moral Law as to its matter, but spiritually speaking, they cannot do any work which is to be truly considered morally good because they fail to do it to the glory of God. As he stated, “And here it’s disputed, Whether a meere Heathen can doe any work morally good? But wee answer, No: for every action ought to have a supernaturall end, viz. the glory of God, which they did not aime at; therefore we do refuse that distinction of a morall good.” Burgess, *VL*, 59.

⁵³ Burgess, *VL*, 60. This same ‘external’ and ‘internal’ argument is found in Polyander. Cf. Polyander, *SPT*, vol. 1, Disp. 18.19-20.

⁵⁴ *Ibid.* This two-fold distinction is identical to that found in the *SPT*, vol. 1, 18. 19-20.

⁵⁵ Cf. *WCF* 6.2, 4, 5.

⁵⁶ When Scripture is replaced with pagan uniformity for determining moral law, one can sense the apologetical tension it causes as in Gilbert Burnet’s exposition of the *Thirty Nine Articles of the Church of England*. The best he can deduce is that, in general, there is a god. Who, what, or how many are questions left unanswered by the natural light still remaining within fallen mankind. Gilbert Burnet, *An Exposition of the Thirty-Nine Articles of the Church of England Written by Gilbert Bishop of Sarum* (London: R. Roberts for Ri. Chiswell ..., 1700), 17–19.

Accordingly, Cawdrey's argument was not a denial of the universality of Moral Law as expressed in Natural Law. Instead, it denied *how one determines what is moral*. Depravity's perversion of humanity's condition now limits any assurance of fully knowing the state of innocence. Cawdrey and Burgess denied the possibility of knowing all that was written on Adam's heart at Creation because Scripture has not revealed it. As Cawdrey stated it, "all mens Natures are now corrupted; and so created Nature is to us at this day a *merum Non-ens*; with it we have nothing to doe in this Question, because we cannot know all that was then written in mans heart."⁵⁷ Likewise, Burgess acknowledged a void in understanding as it pertained to Adam's state of innocence,

And this must be said, that we must not curiously start questions about that state in innocency; for the Scripture, having related that there was such a state once, does not tell us what would have been, upon supposition of his obedience⁵⁸

For them, Scripture's silence on the particulars and extent concerning the content written upon Adam's heart in his state of innocence creates an impassable void of knowledge on the subject. The unknowable condition of Adam in this state coupled with the resulting depravity of his Fall are the known foundational pillars upon which they refuse to appeal to pagan adherence to discern what is or is not a moral law. Instead, they appeal to Scripture. For them, the full extent of Moral Law is "expressed in Scripture."⁵⁹ On that presupposition, Cawdrey's definition of Moral Law opens and closes with an emphasis on God's written Word which is wholly absent from the Assembly's stated definition.

Not All Moral Laws Were Given at Creation

Although all moral laws must be perpetual, not all of them were prescribed by God at the time of Creation. Three categories fall under this condition: *evangelical*, *sacramental*, and some precepts that fell into the category known as the *nature of things*. All three were considered positive laws and all positive divine laws were imposed upon humanity, either after the creation event or as part of the wisdom of God for ordering the creation. Laws classified as evangelical or sacramental are imposed after Creation. Those specified as the nature of things may be

⁵⁷ Cawdrey, *CSV*, 9. *Merum Non-ens* means a mere nonexistence.

⁵⁸ Burgess, *VL*, Lect. XIV, 136.

⁵⁹ Cawdrey, *CSV*, 3. For the Assembly, Scripture must be sought for properly determining the extent of the Moral Law, not culture or public opinion. See the discussion in the last chapter on Scripture as the fullest revelation of the Moral Law.

enforced either at creation or after it. The importance of Adam's sin and its consequent depravity for both humanity and the created order in which they live cannot be overstated regarding Moral-positive laws.

Evangelical Laws

Not all positive divine laws were Moral-positive. Those not considered as part of the Moral-positive category were excluded due to their lack of perpetuity. Accordingly, the species of positive divine law known as evangelical laws contains both perpetual and temporary precepts, and both types were given after creation. Evangelical laws consequently resulted from Adam's Fall and God's plan of salvation. Such laws included the duties of justifying faith, repentance, and the entire sacrificial system with its priesthood, tabernacle, and holy days.

Walker defined Evangelical Laws generally as those precepts,

which command works and duties tending to an holy, heavenlly and supernaturall end and use, such are all Laws and Commandments which God hath given upon occasion of Christ revealed to man, and in and through Christ which require duties, and service due to God as he is mans Redeemer, and bind man as he expects benefit by Christ the mediator and Redeemer to such works and such obedience as come to be of use in respect of Christ.⁶⁰

Walker placed these laws in the context of Adam's Fall and referred to them as "given upon occasion of Christ revealed to man."⁶¹ The occasion was Adam's sin and God's promise of a mediator as "mans Redeemer."⁶² Walker further divided evangelical laws into two species. The first species was "universall and perpetuall" and the second "speciall and temporary."⁶³ For him, duties such as "repentance and reformation of life, to godly sorrow and humiliation for sinne, to beleeve in Christ" fell under the first classification due to their universal and perpetual nature.⁶⁴ On this basis of perpetuity, he referred to "the perpetuall commandements of repenting and beleeving in Christ, which are the great commandements of the Gospell."⁶⁵ The second category comprised the sacrifices, the Sacraments of Circumcision, Passover, Lord's Supper and Baptism,

⁶⁰ Walker, *DS*, 60.

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid.*, 61.

⁶⁵ *Ibid.*, 39. (Errant pagination in original, it is actually page 36).

and all the Levitical ceremonial laws given to Israel by Moses. These ceremonial ordinances are relegated to specific individuals or are temporary.⁶⁶

When Adam was in a state of innocence, he did not need justifying faith, repentance, or a sacrificial system. Of the three, he possessed faith, but it was a dependent faith that viewed God as his supreme maker and provider.⁶⁷ By this faith, Adam trusted him completely in all areas of life. Cawdrey relegated this species of faith or trust to natural worship as opposed to instituted worship.⁶⁸ Along with “trust in God,” was added both “love” and “fear.” Unlike Adam’s natural aspects of worship, there was no need for repentance or forgiveness of sins in that state because of his lack of sin.⁶⁹ Likewise, no sacrificial system was needed nor a reconciling mediator to which the entire system pointed. As William Bridge stated,

Though when God made that Covenant with Adam and with us, the tree of Life might be some shadow of Christ, yet then there was no Mediator, for there was no need, God and Man was not at variance, and so no need of a Mediator.⁷⁰

⁶⁶ In a similar way, as it concerned the non-moral nature of the Ceremonial Law, Burgess distinguished Evangelical Law from Natural Law. In opposition to Roman Catholics who referred to the time from “Adam to Moses” as “a state, or law of Nature,” he stated that Roman Catholics hold to this view to assert “that to offer sacrifice unto God may be proved from the law of Nature.” His argument against this view is twofold. First, sacrifices were done by faith in obedience to the word of God and not by a natural dictate of Natural Law inscribed upon the heart at Creation. Secondly, if it were by Natural Law, then, we would be “bound still to offer Lambs or Kids to God, which they deny.” Burgess’s entire argument rests on the presupposition that Natural Law is of a universal and perpetual obligation from the beginning of Creation and “can never be abrogated” and thus distinct from those laws stemming from the consequence of Adam’s fall. For Burgess, Natural Law and Decalogue may differ in some areas, but the one common denominator between them is that they both are “a rule immutable, and of perpetuall obligation,” but not so the ceremonial laws concerning sacrifices. Burgess, *VL*, 65.

⁶⁷ Lancelot Andrewes stated, “that in Divinity there are three sorts of faith, 1. Generall. 2. Legall. 3. Evangelicall, and Justifying.” General simply affirmed that God existed while the legal admitted of punishment and reward from God but the evangelical was the justifying faith. Lancelot Andrewes, *The Moral Law Expounded, Largely, Learnedly, Orthodoxly...*, (London: Printed for Michael Sparke, Robert Milbourne, Richard Cotes, and Andrew Croke, 1642), 177.

⁶⁸ Daniel Cawdrey, *A Biblical Response to Superstition, Will-Worship, and the Christmas Holiday*, ed. C. Matthew McMahon and Therese B. McMahon (Crossville, TN: Puritan Publications, 2017), 9. (original title: *Diatribes Triplex or a Threefold Exercitation, Concerning 1. Superstition 2. Will-worship 3. Christmas Festival With the Reverend and Learned Dr. Hammond By Daniel Cawdrey, Preacher of the Word, at Billing-Magn. In Northhapmton-shire.* (London: 1654). For Cawdrey, instituted worship included anything God instituted for his worship beyond those things he placed naturally within him as a dependent image bearer. Instituted worship would include preaching, singing, and the sacraments, but also included such things as prayer and fasting. *Ibid*.

⁶⁹ Burgess stated that “Whether the command of repentance belong unto the Gospel, or not? I finde the Lutherans, Antinomians, and Calvinists to speak differently.” Burgess, *VL*, 241.

⁷⁰ William Bridge, *Christ and the Covenant the Work and Way of Meditation. Gods Return to the Soul, or Nation; Together with His Preventing Mercy. Delivered in Ten Sermons* (London: Printed for N. Ranew, and J. Robinson at the Angel in Jewen-street, 1667), 62.

Once Adam fell into sin, and God's willful and gracious plan of salvation was engaged, the need for repentance and justification before God became a perpetual and universal obligation. As Burgess stated, "justifying faith and repentance" are "required" in the Moral Law even though neither could have been "in the Law given to Adam" at the time of his creation.⁷¹

Although the obligation of justifying faith was not *in the law* given to Adam at Creation, Burgess taught that justifying faith was *in Adam* during innocence. He argued the problem was that Adam had no object upon which to place that faith.⁷² For Burgess, the nature of dependent faith and justifying faith is the same.⁷³ In innocence, Adam did not need to express justifying faith, nor did he have a promised mediator upon which to place it. By the same reasoning, Burgess argued that "So Mercy and Grace was in God for the nature of it alwaies, but as it hath respect to a miserable and wretched creature, that was not till the creature was made so."⁷⁴

John White argued that evangelical laws may be annexed to Moral-positive laws already in existence. In his defense of the Fourth Commandment's morality, he noted how the

typical relation to Christ was accidentall to the Sabbath, not essentiall; for it was a Sabbath before Christ was looked upon as a sacrifice for sin, that is, before man had fallen, and consequently before there was any need of our Saviours resting in the grave.⁷⁵

⁷¹ Burgess, *VL*, 149. John Thomson asked, "Doth the moral Law require of us Repentance, Faith, and other Gospel Graces and Duties?" Upon answering, "Yes," he preceded to give a fourfold apologetical defense for his answer worth quoting in full, "first, by the moral Law, or by our natural Relation to God, as our Maker and Lawgiver, we are obliged to obey all his Commandments and Injunctions, whether moral or positive; thus the Children of Israel were under a moral Obligation to obey the ceremonial and judicial Laws while they were in Force. *Lev. 27.34.* 2dly, By the first Table we are commanded to perform all Duties of Religion and Piety towards God, which undoubtedly requires Faith and Repentance, and all Gospel Duties; 3dly, we being under the Dispensation of the Covenant of Grace, and consequently obliged to submit ourselves to the moral Law as an Appendage to the Covenant of Grace, this necessarily implies, that Faith and Repentance, which are necessary Terms of that Covenant, are required of us by the moral Law, which is given us as an universal Rule of all our Behaviour, so far as it implies Sin or Duty; 4thly, without Faith and Repentance it is not possible to give that since[re] Obedience to the moral Law which it requires; these being principal and essential Branches of sanctifying Grace, without which it is impossible to give sincere Obedience to the moral Law. *Heb. 11.6.*" John Thomson, *An Explication of the Shorter Catechism, Composed by the Assembly of Divines, Commonly Called, the Westminster Assembly. Wherein the Several Questions and Answers of the Said Shorter Catechism, Are Resolved, Divided, and Taken Apart into Several Under-Questions and Answers* (Williamsburg: Printed by William Parks, 1749), 98.

⁷² Burgess, *VL*, 138-39.

⁷³ *Ibid.*, 139.

⁷⁴ *Ibid.*

⁷⁵ White, *Way to the Tree of Life*, 271.

In this way, White has shown how preexisting precepts may have an amended or added import based on the salvific work of Christ.

A closer examination reveals that the precept is not altered. Instead, two changes are noted. First, there is now a *typological application* associated with the existing moral precept. The rest portrayed by the Sabbath is now typical of, as White stated it, “our Saviours resting in the grave.”⁷⁶ Secondly, *our motivation* for keeping the Sabbath is enlarged. This motivation is observed by comparing Genesis 2:1-3 and Exodus 20:11 with Deuteronomy 5:15 and Hebrews 4:1-10. Comparing these passages highlights the motivational change emphasized in Exodus 20:11 and Deuteronomy 5:15, where the reason for keeping the Sabbath is altered. The first is rooted in God’s example of Creation, and the second is his gracious deliverance of Israel from Egyptian bondage. Hebrews 4 builds on this emphatic change and grounds its rest in the mediatorial work of Christ; a work typified by the deliverance from Egypt referenced in Deuteronomy 5:15.⁷⁷ In this way, the original precept is kept intact, but evangelical applications and motivations are added.

Unlike the existent justifying faith Adam had in innocence or the evangelical applications annexed to the Fourth Commandment, some evangelical laws were brought into existence without any former context. Within this group would be such precepts concerning repentance and the sacrificial system. Even within this group one may observe distinctions. Of those two positive divine laws, repentance is classified as Moral-positive but the sacrificial system is not due its temporary nature.

Sacramental Laws

Sacraments are unique among the ceremonial ordinances. They are also considered to be evangelical laws. Nonetheless, all sacramental laws are ceremonial, but not all sacraments are classified under evangelical laws. As an example, the two trees in the Garden before Adam’s Fall into sin were sacramental but not evangelical. The Sacraments fall under the ceremonial category, yet, some are classified as universal and perpetual; and therefore, moral. As Cawdrey stated it, “the two Sacraments of Baptisme, and the Lords Supper, are unquestionably Positive

⁷⁶ Ibid.

⁷⁷ There is also the typology of the Land of Canaan which the Author of Hebrews alluded to when speaking of Joshua as a type of Christ. All of this biblical typology combines to demonstrate this alteration.

Lawes, yet universall, (as soon as the Gospel comes to any) and perpetuall; and so may be termed Morall.”⁷⁸

It is not denied that Sacraments, such as the Tree of Life or the Tree of the Knowledge of Good and Evil, existed before Adam’s Fall.⁷⁹ As pre-Fall, they are to be distinguished from all others after Adam’s Fall. The reason is that none of the pre-Fall sacraments pointed to Christ’s person and work as it concerns salvation. In speaking of Eden’s Tree of Life, Burgess stated, “It is true, I grant it to be a sacrament; for there is no good reason to the contrary, but that sacraments may be in the state of innocency; onely they did not signifie Christ.”⁸⁰ Burgess’s significant distinction accords with the category of evangelical laws, thereby excluding the pre-Fall Sacraments.

It may seem strange to hear someone refer to the New Testament Sacraments as moral. They are typically categorized along with the ceremonial ordinances. There are three possible factors one might propose for not classifying the New Testament Sacraments as moral: 1) they are not universally binding on all humanity, 2) the Old Testament Sacraments are considered ceremonial and typified Christ’s person and work as did all the other ceremonial laws, and 3) the Old Testament Sacraments were divinely altered.⁸¹

⁷⁸ Cawdrey, *CSV*, 13.

⁷⁹ “Therefore *God* not only gave to *Adam* in innocencie the *Tree of Life* for a Sacrament, as Divines generally hold...” Ibid., 36. 1. William Bridge, on Heb. 12:24, spoke of the command of the Father to the Son concerning his death on the cross as a “positive” law and a “symbol” which he set it in contrast to the positive law given to Adam in the Garden. Both of these trees are representative to Bridge as a “symbol of obedience to the whole law of God.” “As the disobedience of the first Adam was in the matter of the tree, so the obedience of the second Adam was in the matter of the tree: ‘Who his own self bare our sins in his own body on the tree,’ saith the apostle. As the obedience of the first Adam was in the transgressing a positive commandment, which was the symbol of obedience to the whole moral law; so the obedience of the second Adam doth consist in being obedient unto a positive commandment, which was the symbol of his obedience to the whole law of God.” Bridge, *Christ and the Covenant*, 390.

⁸⁰ Burgess, *VL*, 136.

⁸¹ The word “altered” was chosen because some view the Old Testament sacraments of Circumcision and Passover as abrogated while others see them as modified. Those who see them as modified, view them as continued in the New Testament by Baptism and the Lord’s Supper. The alteration, on the basis of Christ’s death, concerns only the physical elements of the Sacraments. The change is from bloody elements in the Old Testament to non-bloody elements in the New, while the spiritual meaning continues the same. This will be touched on in the chapter on General Equity and Instruction of Moral Duties (chapters nine and ten). Whether viewed as abrogated or modified, they were altered in some way and the word “altered” allows for both views. Cf. *WCF* 27.1, 2, 4, 5; and Cawdrey, *CSV*, 36-37.

Cawdrey would not disagree with those three reasons for classifying the New Testament Sacraments as ceremonial instead of moral. He also ranked them as moral according to his definition of Moral Law. Thus, when expounding the phrase “from the time it was first given” found within his meaning of Moral Law, he stated,

Because we suppose the Lawes concerning the two Sacraments of the New Testament, and some other Evangelicall Laws, to deserve the name of Morall, being perpetuall undeniably, though not given till our Saviours com[m]ing in the Flesh.⁸²

Classifying the Sacraments as moral and evangelical was not a strange thing at that time. For Walker believed it was mandatory to rank them as both ceremonial and moral if they were to be properly understood. When discussing them, he first classified them as ceremonial,

In Like manner the commandement which the Lord Christ hath given in the Gospell, for baptizing of Christians, and for the administration and receiving of the Sacrament of his body and blood, as they command an outward Sacramentall washing with water, and a bodily eating of bread and drinking of wine, which have beene of; use only since the coming of Christ, and not from the beginning, so they are ceremoniall and temporary...But because the time of the Gospell is perpetuall unto the end of the world, and they are commanded to be observed of all Christians all the time of the Gospell, in this respect these Commandements may be called universall and perpetuall.⁸³

Based on their universality and perpetuity, Walker concluded his categorization by stating, “so the commandement and law enjoying them may justly be esteemed positively and evangelically morrall.”⁸⁴ By these words, Walker maintained the Sacraments’ ceremonial classification while also emphasizing their “positively and evangelically morrall” status.

Therefore, this classification of sacramental laws aligns with a species of Moral-positive Law, which only pertains to the Church and is to be continued until the world’s end. Nonetheless, his dual classification, which included Moral-positive, is of utmost importance because these laws did not exist at the time of Creation and are only binding on the Church. This doctrine concerning the perpetuity of New Testament Sacraments is affirmed in the *Confession’s* two chapters on the Sacraments. In 28.1, it speaks of baptism as “continued in His Church until the end of the world.” Likewise, in 29.1, the Lord’s Supper is “to be observed in His Church,

⁸² Cawdrey, *CSV*, 8.

⁸³ Walker, *DS*, 63.

⁸⁴ *Ibid.*

unto the end of the world, for the perpetual remembrance of the sacrifice of Himself in His death.”

Assembly members’ writings lead one to ask, if the New Testament Sacraments are moral, then what about those in the Old Testament? When Walker spoke of the sacramental laws, he included those in both the Old and New Testament.⁸⁵ In contrast, Cawdrey only emphasized the New Testament Sacraments but did understand that in the substantial they were the same, yet, in the circumstances they had been altered. He distinguished between what he referred to as the “Lawes of Seals” and the “Law of Sacraments.” The “seals” referred to outer “circumstances” associated with God’s covenant with humanity.⁸⁶ The cutting of the flesh in Circumcision and the sacrificing and eating of the Paschal Lamb in the Passover are the circumstances of these seals. Under the law of seals, these circumstances have been divinely changed to the washing with water in Baptism and the eating of bread and drinking of wine in the Lord’s Supper. In contrast, the Law of Sacraments holds that the “substantial” upon which God’s wisdom constructed them as Sacraments have not changed but are perpetual (Cf. *WCF* 27.5). As he stated it,

All his people are still bound, because of the *substantiall profitableness*, as well, and as much as they of old were, Though not to the *specialties* which appear *peculiar to the old Seals*. Still then, we find God *Perpetuating, Substantially-Profitable Lawes*, even although he change some *circumstance* about them.⁸⁷

Therefore, it appears that there is no discrepancy between the two views. Walker mentioned both the Old and New Testament sacraments by name, while Cawdrey assumed them under the New Testament Sacraments in their substantial. For these divines, it is not the circumstantial, but the substantial, that are perpetual under the sacramental laws. This understanding allowed these sacraments to be classified as both ceremonial and moral, though Moral-positive.

Moral Laws and the Church’s Catholicity

The Word of God, which contains the Moral Law, according to Cawdrey, “was specially written for” the church and therefore “more specially obliges” them.⁸⁸ By this definition, the

⁸⁵ Ibid., 61.

⁸⁶ Cawdrey, *CSV*, 36-37.

⁸⁷ Ibid.

⁸⁸ Cawdrey, *CSV*, 3, 8.

Scriptures become the source from which Moral Law is discovered. Yet, the Church is the divinely intended recipient, to whom the Scriptures were given.⁸⁹ Contextually, the Church is not limited to one congregation or even a limited region of local congregations. Instead, it is the *catholic* or *universal* church.⁹⁰ The Church's catholicity is understood in two ways: invisible and visible.⁹¹ This topic was discussed in chapter two, yet it is crucial to know how the Church's dual features of catholicity connect to the Moral Law. The *Confession's* chapter on the Church distinguishes the invisible and visible attributes in its first and second paragraphs.⁹² The first paragraph begins with, "The catholic or universal Church which is invisible..." and the second paragraph states, "The visible Church, which is also catholic or universal...." Although they divided these two aspects, they nonetheless ascribed catholicity to both.

When the *invisible* Church's catholicity is referred to, it is defined by the Assembly as consisting "of the whole number of the elect, that have been, are, or shall be gathered into one, under Christ."⁹³ Therefore, the *invisible* Church's catholicity is expressed by its composition of all the truly regenerate from every place throughout all time. In comparison, the catholicity of the *visible* church is distinguished by its consisting "of all those throughout the world that

⁸⁹ As a definition of Moral Law, this is not out of bounds with other writings. Ursinus held that once humanity was plunged into sin and "a considerable part" of the moral law written on the heart had "become obscured and lost...God repeated, and declared to the Church the entire doctrine and true sense of his law, as contained in the Decalogue." Notice the Church was the one to whom this clarification was given. Ursinus, *Heidelberg Catechism*, Q. 92.2, (p. 492).

⁹⁰ In this context, "catholic" does not have reference to the Roman Catholic Church but rather the "universal" Church as used in the *Apostles' Creed*.

⁹¹ Some instead chose to view the church as the Church triumphant and the Church militant. For a fuller treatment of the topic see Takeshi Kodama, "The Unity and Catholicity of the Church: A Comparison of Calvin and the Westminster Assembly" (Ph.D., Wales, UK, University of Wales, 2011), 254–302, see especially 299-302. Although the Church can be viewed in either its visible or invisible dimension, it is nonetheless one church and not two. Robert Shaw noted in his commentary that the Roman Catholics denied the doctrine of the invisible church and the Independents denied the doctrine of the visible Church. Shaw, *Exposition of the Westminster Confession*, 262-63.

⁹² WCF 25.

⁹³ *Ibid.*, 25.1.

profess the true religion; and of their children.”⁹⁴ This visible catholicity can be discerned at any given time throughout history or comprehended collectively throughout all time.⁹⁵

Whether viewed as invisible or visible, the universal or catholic concept must never be divorced from the proper understanding of the Church. Cawdrey’s definition has the visible dimension of the Church in view and globally includes all who profess faith in Christ and their descendants.⁹⁶ The idea of universality is then retained, being applied to the visible church spread throughout the earth as the intended recipient of the Scriptures.

As seen with sacramental laws above, Walker referred to the universal nature of the Church when classifying the Sacraments.⁹⁷ He logically connected the ideas of the gospel’s perpetuity until the world’s end and the Sacraments as commands to the Church. He concluded that “these Commandements may be called universall and perpetuall” on that basis. Consequently, he ground the Sacraments’ perpetuity on the gospel’s perpetuity, and ground their universality on the visible Church’s catholicity. Cawdrey made the same connections,

*the two Sacraments of Baptisme, and the Lords Supper, are unquestionably Positive Lawes, yet universall, (as soon as the Gospel comes to any) and perpetuall; and so may be termed Morall, from the time they were given, to the worlds end.*⁹⁸

Therefore, some moral laws are presented solely to the Church and bind perpetually but also bind universally due to the Church’s catholicity. These two perpetual Sacraments were seen as the moral, universal, and visible demarcation between the Church and the unbelieving world.⁹⁹

Some Moral Laws are Exclusive to the Church

⁹⁴ Ibid., 25.2.

⁹⁵ Cf. Francis R. Beattie, *The Presbyterian Standards: An Exposition of the Westminster Confession of Faith and Catechisms*, BiblioLife, Reprint (Richmond, VA: The Presbyterian Committee of Publication, 1896), 348–49.

⁹⁶ Cf. Cawdrey, *CSV*, 8, where they refer to Israel as “the only Visible Church that God then had upon Earth.”

⁹⁷ “But because the time of the Gospell is perpetuall unto the end of the world, and they are commanded to be observed of all Christians all the time of the Gospell, in this respect these Commandements may be called universall and perpetuall.” Walker, *DS*, 63.

⁹⁸ Cawdrey, *CSV*, 13.

⁹⁹ *WCF* 27.1

Cawdrey's definition unveils the third caveat to universality related to Moral Law. He considered moral all those laws given to the Church which remain perpetually obligatory upon her and all her posterity.¹⁰⁰ His words demonstrate that universality can be restricted to mean only the sphere of the Church and not all humanity. This concept may seem contradictory at first, but two reasons help make it more plausible. The first is the perpetuity of those laws, and the second is the Church's catholicity as just discussed.¹⁰¹ The Sacraments are an example of such laws because they are perpetual and account for a moral classification, yet are denied to those outside the Church, yet considered universal on account of the Church's catholicity.

Some Moral Laws Do Not Bind Every Church-member

Gillespie demonstrated moral duties given exclusively to the Church which apply to some and not to others within it. His notes on the debates of the Assembly, in the section entitled *Votes passed in the Assembly of Divines in Westminster, Concerning Discipline and Government*, bear this out.¹⁰² The votes concerning ordinary and perpetual officers, taken during sessions 87 through 123, list duties for the Pastor, Teacher, Ruling Elder, and Deacons.¹⁰³ Among these officeholders, there are duties listed as perpetual but pertain to a particular office. For the Pastor, the office as ordinary and perpetual is proven from Jer. 3:15-17, 1 Pet. 5:2-4, and Eph. 4:11-13. Under this office, the duties listed are reading, preaching, and ruling. Also provided are explanations of each, such as praying for and blessing the congregation, catechizing, and dispensing the sacraments. When they came to discuss the office of Deacon, in sessions 108-122, they noted that "the Scriptures do hold out deacons as distinct officers in the Church" and even though this office is "perpetual...it doth not pertain to the office of a deacon to preach the word, or administer the sacraments."¹⁰⁴ Therefore, within these two distinct and perpetual offices, there are perpetual duties assigned to each, which others are either wholly disqualified from performing or are not obligated to perform, but may if circumstances permit.

¹⁰⁰ Ibid., 12.

¹⁰¹ The word *catholic* here means *universal* and should be taken in the same sense in which it is used in the English version of the *Apostle's Creed* and therefore, does not mean the Roman Catholic Church.

¹⁰² Gillespie, *Debates*, 3-5.

¹⁰³ Gillespie's notes actually state the "Teacher or Doctor" which refers to the professor of theology as distinct from the Pastor. Ibid., 4.

¹⁰⁴ Ibid., 5.

The first case can be illustrated with the administration of the Sacraments. This duty was understood as solely incumbent upon the Pastor or ordained minister. All others were restricted from performing this action.¹⁰⁵ The *WCF* conveys this restriction in chapter 27, paragraph 4, “[t]here be only two sacraments ordained by Christ our Lord in the Gospel; that is to say, Baptism and the Supper of the Lord: neither of which may be dispensed by any but by a minister of the Word lawfully ordained.”¹⁰⁶ Once the *Confession* had completed its treatment of Sacraments in general in chapter 27, it treated each Sacrament particularly in the following two chapters. Each time, the Assembly re-affirmed that only lawfully ordained ministers were permitted to administer the Sacraments.¹⁰⁷

As demonstrated by the *Second Helvetic Confession* of 1566, *The Confession of Bohemia*, and the *Synopsis of a Purer Theology*, this was a widely held view within Protestantism. The *Second Helvetic Confession* stated, “Therefore for this purpose ministers of the Church called - namely, to preach the Gospel of Christ to the faithful, and to administer the sacraments.”¹⁰⁸ Later, in chapter 20 when Bullinger addressed “The Minister of Baptism,” he stated, “We teach that baptism should not be administered in the Church by women or midwives. For Paul

¹⁰⁵ There is a difference between *administering* the sacraments and *dispensing* the sacramental elements. The first concerns the act of consecration while the later pertains to the distribution of those consecrated elements to the worthy recipients. According to this view, only the ordained minister was permitted to perform the former, yet he may illicit the assistance of deacons for the dispensing of the elements. The former was viewed as Moral-positive, while the later an issue of adiaphora addressed according to the needs and circumstances of each congregation.

¹⁰⁶ *WCF*. 27.4. Assembly member Joseph Caryl stated, “The Pastors office is to preach and to administer the sacraments, the Elders helpe and assist in governing, the Deacons are for the poore.” Joseph Caryl, *A Short Way of Instruction in Things Concernement; As Meanes to Cure Common and Grosse Ignorance in the World. More Particularly Drawne up for the Benefit of the Inhabitants of Andrews Wardrobe, London* (London: Printed by L. N. for C. Meridith, and are to be sold at the Crane in Pauls Church yard, n.d.), 11.

¹⁰⁷ *WCF* 28.2 on Baptism states, “The outward Element to be used in this Sacrament is Water, wherewith the Party is to be Baptized in the Name of the Father, and of the Son, and of the Holy Ghost, by a Minister of the Gospel, lawfully called thereunto.” *WCF* 29.3 states, “The Lord Jesus hath, in this Ordinance, appointed his Ministers to declare his word of Institution to the people; to pray, and bless the Elements of Bread and Wine, and thereby to set them apart from a Common to a Holy Use; and, to Take, and Break the Bread, to Take the Cup, and (they communicating also themselves) to give both to the Communicants; but, to none who are not then present in the Congregation.”

¹⁰⁸ Cochrane, “Second Helvetic Confesion (1566),” in *Reformed Confessions*, 272. Later, Bullinger stated in his confession, “The duties of ministers are various; yet for the most part they are restricted to two, in which all the rest are comprehended: to the teaching of the Gospel of Christ, and to the proper administration of the sacraments.” *Ibid.*, 275.

deprived women of ecclesiastical duties, and baptism has to do with these.”¹⁰⁹ *The Confession of Bohemia* stated, “the Word and Sacraments, are lawfully committed to the Ministers of the Church.”¹¹⁰ Likewise in the *Synopsis*, Rivetus stated in Disputation 43, concerning the Sacraments that, “therefore we must reject the practice of those people who give the power of administering some sacraments to the laity, or even to women.”¹¹¹

Some duties such as preaching or public reading of the Scriptures may be done by other officeholders such as Ruling Elders or Deacons, but were not incumbent upon their office. Therefore, if they do not engage in these duties, they are not chargeable with sinful neglect of duty. Yet, for the Pastor/Minister, these are required functions of his office, and any negligence thereof is sin.

Thus there are two nuances of concern here. The first are those duties solely relegated to one office, such as administering the Sacraments, which no one can perform except an ordained minister. The second are those duties assigned to a particular office, which other office-bearers may perform. If neglected by those other office-bearers, they are not charged with sinful omission. It must be remembered that whichever office the duty fell upon, its perpetual nature made it morally binding, but only upon that office or offices to which God had prescribed it.¹¹² Although there were perpetual moral duties to be performed within the church, not all were universally binding upon all members or all officers within the Church.

“Nature of things”

There is a third category of Moral-positive laws where some of the precepts were not necessarily given at the time of Creation. This category, sometimes referred to as the *nature of things*, was not as clearly defined as the other two but is no less referenced in their writings. This category is also derived from God’s will but pertains to humanity’s conduct according to

¹⁰⁹ Ibid., 283. Comp. Bullinger’s statement concerning the administration of the Lord’s Supper. He stated that the participants are to “in all things look to the one Christ by a true faith, from whose hands they received, as it were, what they receive through the ministry of the ministers of the Church.” Ibid., 284.

¹¹⁰ Beza, Theodore and Salnar, M., *The Harmony of Protestant Confessions: Exhibiting The Faith of the Churches of Christ, Reformed after the Pure and Holy Doctrine of the Gosple, throughout Europe*, Revised and Enlarged by Peter Hall (London: John F. Shaw, 1842), 111.

¹¹¹ Andreas Rivetus, *SPT*, vol. 3, Disp. 43.11, p. 105.

¹¹² Cf. how Cawdrey held ministry, as well as the sacraments, to be of a perpetual obligation even though the outer temporary “circumstances” had changed, while leaving the perpetual “substantials” in place throughout the ages. Cawdrey, *CSV*, 34-36.

the creative order as God designed it. Turretin defined it as being “according to the constitution established by God and the mutual suitableness or fitness of things to each other.”¹¹³ Even though all Moral-positive laws can be assumed under this heading, some laws seem to fit more particularly under the divine will and the nature of Creation as God has determined it. These laws are positive and rooted in the wisdom and will of God, and therefore at his discretion to change as he sovereignly rules over his Creation. Walker, having defined positive laws as connected to the wisdom of God and binding on humanity, relegated some of them to the created realm,

There are divers Laws and precepts of this kind, all which as they require that which God justly and wisely willeth man to do, and do command things *which are in respect of the present state and condition good for man*, so they all are after a generall manner included in the generall Laws of nature, and it binds men to obey them all.¹¹⁴

Examples of this species of Moral-positive Law would be the precepts under which stealing and murder are sanctioned by God, though, in general, they are prohibited in the Decalogue.¹¹⁵ Property rights are firmly established within God’s Moral Law, yet, if a man is required to make restitution, then his property can be seized to pay his debt. These are positive laws because the “right of property need not have existed. God might have made all things as common as sunlight or air.”¹¹⁶ The justified taking of life in self-defense, capital punishment, or just war is distinguished from the prohibited murderous act of lying in wait. Marriage may or may not have been required. Had marriage not been required, all those duties associated with marriage would not exist.¹¹⁷

Marriage leads to another distinction of laws understood as perpetual. At one point, Gouge made a point to highlight true perseverance as having “such a perpetuity, as is eternal.”¹¹⁸ Therefore, perpetual can apply to that which continues until the end of this age and the

¹¹³ Turretin, *Institutes*, vol. 2, 11.2.6.

¹¹⁴ Walker, *DS*, 60. (emphasis additional).

¹¹⁵ Turretin, *Institutes*, vol. 2, 11.2.6.

¹¹⁶ Charles Hodge, *Systematic Theology*, vol. 3 (Oak Harbor, WA: W.B. Eerdmans Pub. Co, 1993), 268. Hodge provided a succinct description of these and other laws. See also A. A. Hodge who enumerated the same list of laws in his commentary on the *Westminster Confession of Faith*. Hodge, *Westminster Confession*, 281.

¹¹⁷ *Ibid.*

¹¹⁸ Gouge, *Hebrews*, 3. Sect. 68, p. 310.

consummation of eternity or it can be more inclusive and include the time of eternity. According to Christ, marriage is a moral ordinance that will continue only until the end of time but cease to exist in the eternal or heavenly state (Mk 12:24-25).

In contrast to these more normal precepts, there is the thorny issue of marriages within the bounds of consanguinity and affinity among the original family immediately after Creation.¹¹⁹ According to the nature of things at that time, marrying a close relative was the only option available if the descendants of Adam and Eve were to obey the mandate to be fruitful, multiply, and fill the earth (Gen. 1:28). In addressing this issue, Cawdrey, having already listed the topic when explaining his definition of Moral Law, returned to explain his classification of Moral-positive further.¹²⁰ He noted how God’s punishment of the Canaanites by vomiting them from the land for incestuous marriages proved it an abomination and a moral precept. The precept, however, is in the negative and thus written as a prohibition (“do not...”). He, and other theologians, believed that “Negative Lawes of Nature bind (*ad semper*) and are held perpetually indispensable.”¹²¹ This principle is reflected in the *WLC*’s rules for rightly interpreting the law of God.¹²² Since negative Natural Laws can never be violated, they held that as a negative precept, it must have been given after “the speciall instance of *Cain* and *Seth*, marrying their *sisters*: and necessarily; for there were no other women to marry: yet had they not only *leave*, but *charge* to *increase and multiply*, Gen. 1.”¹²³

¹¹⁹ *Consanguinity* means of the same blood or of relation by blood, while *Affinity* means one of close relationship through marriage (but not by blood) such as a sister-in-law. Note how they are used in *WCF* 24.4 “Marriage ought not to be within the degrees of Consanguinity or Affinity forbidden in the Word; Nor can such incestuous marriages ever be made lawful by any Law of man or consent of Parties, so as those persons may live together as man and wife. The man may not marry any of his wives kindred, nearer in blood, then he may of his own; nor, the woman, of her husbands kindred, nearer in blood, then of her own.”

¹²⁰ Cawdrey, *CSV*, 8, 15.

¹²¹ *Ibid.*, 15. “*ad semper*” means at all times and in all circumstances of time. This was part of a common maxim that positive commands bind *semper* but negative precepts oblige both *semper* and *ad semper*. Cf. James Durham, *A Practical Exposition of the Ten Commandments*, ed. Christopher Coldwell (Dallas, TX: Naphtali Press, 2002), 57–59.

¹²² *WLC* Q. 99, rule five states, “That what God forbids, is at no time to be done; What he commands, is always our duty; and yet every particular duty is not to be done at all times.”

¹²³ *Ibid.*

Because there was no negative precept binding them against intermarriages of consanguinity and affinity at that time, it was not considered a sinful relationship.¹²⁴ Thus, they were free to engage in marriages of close relations in order to obey the creational mandate to multiply.¹²⁵ After a time, according to God’s wisdom and timing, God gave the “Positive Law” forbidding incestuous marriages, as restated in Leviticus 18.¹²⁶ Hence, from that point on, the precept was “Morall, Universall, and Perpetuall.”¹²⁷

As already discussed, other Moral-positive laws were brought in due to Adam’s Fall and others were formed, altered, or abolished solely according to God’s providential relationship with the Church. This species of precepts accounts for God’s sovereignty and providence in ruling and over-ruling everything within his creation according to his will and pleasure. Therefore, such pesky questions about incest between the immediate descendants of Adam, Patriarchal polygamy, Samson’s suicide (Judges 16:30), Levirate marriage of a deceased brother’s wife (Deut. 25.5-10), Hosea’s wife of whoredom (Hos. 1:2), or Abraham’s sacrificial offering of Isaac (Gen. 22) were more easily addressed by this species of law.¹²⁸

CONCLUSION

Having begun the investigation into the Assembly’s defense of the Moral Law’s preeminence, we have seen how the events surrounding the giving of the Decalogue, as a form of Moral Law, provided divine witness to the uniqueness of Moral Law. By examining their view of the essence of Moral Law, it has been revealed that two aspects set them apart from all other

¹²⁴ Incest, as derived from the Latin, carries the idea of an evil or sinful relationship. “**incestus, incesta, incestum** ADJ...unchaste; unholy, unclean, religiously impure, polluted, defiled, sinful, lewd.” William Whitaker, “Dictionary of Latin Forms,” Logos Bible Software (Bellingham, WA, 2012).

¹²⁵ A similar line of argumentation is applied to the Patriarchs acts of Polygamy. Ibid., 14-15. Comp. William Ames, *The Substance of Christian Religion, Or, A Plain and Easie Draught of the Christian Catechisme in LII Lectures on Chosen Texts of Scripture, for Each Lords-Day of the Year, Learnedly and Perspicuously Illustrated with Doctrines, Reasons, and Uses / by That Reverend and Worthy Laborer in the Lord’s Vineyard, William Ames* (London: T. Mabb for Thomas Davies, and are to be sold at his shop ..., 1659), 258–59.

¹²⁶ In support of this view, one may appeal to Genesis 18 where Lot’s daughters conspire to get their father drunk prior to engaging in an incestuous relationship with him. The conclusion being that even at that time Lot and his daughters were aware of the evil of such activity.

¹²⁷ Ibid., 15.

¹²⁸ For a more detailed treatment of this subject, see Turretin, *Institutes*, vol. 2, 11.2.18-34. A. A. Hodge grounds patriarchal polygamy, not in the nature of God (Moral-natural), but rather what would necessarily be categorized under a positive category which he referenced as relating to “the permanent nature and relations of men.” Hodge, *Westminster Confession*, 249-250.

laws. The first is universality, and the second is perpetuity. Of these two, perpetuity is always required as a distinguishing characteristic for classification. Of utmost importance are the two species of Moral Law: Moral-natural and Moral-positive. This dichotomy is essential to rightly understanding assembly member's view of Moral Law. Moral-positive precepts are derived from the will of God rather than his nature. Consequently, they are not tied to Natural Law, nor were they necessarily given at Creation. Some Moral-positive laws are associated with the constituted order of creation and classified as the nature of things. Some were given as a consequence of Adam's Fall and God's plan of salvation and are referred to as Evangelical Laws. Among these Evangelical laws is a notable species of laws called the Sacramental Laws, customarily relegated to the Ceremonial Law but were also considered moral/perpetual by assembly members.

While examining the aspect of universality associated with Moral Law, it was observed that some assembly members held a nuanced view of universality under certain circumstances, especially pertaining to the Church's catholicity. In this way, some moral laws were constructed solely for the Church. Although moral because they are perpetual, they can also be viewed as universal due to the universal nature of the Church, both visible and invisible. Among these unique ecclesiastical Moral-positive precepts, some duties bind some and not all church members. What is revealed is that influential members of the Assembly held a very elaborate view of biblical law. Neither a simplistic tripartite division nor the *Westminster Larger Catechism's* definition of the Moral Law genuinely reflects the depth and complexity of Moral Law as presented in the personal writings of assembly members. Moral Law's perpetuity and preeminence provide a key in understanding how a moral or perpetual aspect of the Ceremonial Law may exist even though the corpus as whole was abrogated. The idea that the Ceremonial Law was an expression of the First Table of the law and that every law must accord with and express some aspect of Moral Law demands a connection. Chapters eight and nine will investigate this moral relationship in greater detail while the following chapter will complete the investigation of Moral Law's preeminence. Its focus is the Westminster doctrine of Moral Law as either a law or a covenant. This doctrinal distinction was critical to Westminster's systematic understanding of the law and foundational in its refutation of Antinomianism and Legalism. They easily defended the Moral Law's preeminence; however, they could never have triumphed over the errors that besieged England without a proper view of the relationship between law and covenant.

CHAPTER 5: MORAL LAW AS LAW AND COVENANT

Samuel Rutherford reported how in his day an Anabaptist mother in Dover killed her child and offered it as “a sacrifice to God, because it was baptized.”¹ She committed this heinous act according to “the light of that spirit” within her, which the Antinomians were preaching as the inward standard to obey even if it contradicted the Moral Law’s express command.² When a minister convinced the mother of sinning against the Sixth Commandment, the Antinomians rebuked the minister saying,

Why speak yee to the believing Mother of the Law, the Law doth not rule nor teach the regenerate part, and she hath killed the childe according to the Spirits daylight, and the regenerate part, not according to the Laws star-light, and the flesh, speak to her (say they) of free grace.³

These Antinomians had set God’s Spirit in opposition to God’s Law and denied any use of the Moral Law in the life of a believer. Westminster viewed this Antinomian doctrine as distorting the relationship between law and covenant and denying biblical sanctification in the life of the regenerate.⁴ Accordingly, Antinomianism was considered as devaluing holiness in God and those believers being renewed into His image. For Westminster, the Antinomian view led to Libertinism, which turned true liberty in Christ into licentious lifestyles, or, as Peter called it, “a covering for evil.”⁵

¹ Rutherford, *Spiritual Antichrist*, 84.

² Comp. Walaeus, *Synopsis*, Vol. 1, Disp. 2.8.

³ Ibid.

⁴ For a clear and concise treatment of Antinomianism by a Westminster contemporary, see John Flavel, “The Second APPENDIX: Giving a Brief Account of the Rise and Growth of ANTINOMIANISM; the Deduction of the Principal Errors of That Sect: With Modest and Seasonable Reflections upon Them,” in *Planelogia, a Succinct and Seasonable Discourse of the Occasions, Causes, Nature, Rise, Growth, and Remedies of Mental Errors Written Some Months since, and Now Made Publick, Both for the Healing and Prevention of the Sins and Calamities Which Have Broken in This Way upon the Churches of Christ, to the Great Scandal of Religion, Hardening of the Wicked, and Obstruction of Reformation : Whereunto Are Subjoined by Way of Appendix : I. Vindiciarum Vindex, Being a Succinct, but Full Answer to Mr. Philip Cary’s Weak and Impertinent Exceptions to My Vindiciæ Legis & Fæderis, II. a Synopsis of Ancient and Modern Antinomian Errors, with Scriptural Arguments and Reasons against Them, III. a Sermon Composed for the Preventing and Healing of Rents and Divisions in the Churches of Christ / by John Flavell ... ; with an Epistle by Several Divines, Relating to Dr. Crisp’s Works.*, 1 vols. (London: : Printed by R. Roberts, for Tho. Cockerill, 1691), 307–408. (The work has been transcribed by Monergism and available for free under the title *A Blow at the Root of Antinomians* at <https://www.monergism.com/blow-root-antinomianism>.)

⁵ 1 Peter 2:16; Cf. WCF 20.3; Bolton, *TBCF*, 8-9; Watson, *Body of Divinity*, 989.

Although it is not explicit, the *Westminster Confession of Faith* makes a clear distinction between the Moral Law as a law and as a covenant.⁶ As a theological concept, this distinction functioned as an apologetical double-edged sword against abuses of the law by the Legalist and Antinomian alike.⁷ The abuse of the former was the attempt to be justified before God by law-keeping. The latter's abuse was their denial of the continued obligatory force of the Moral Law in the believer's life as a standard of true holiness and a perpetual rule of obedience.⁸ In contrast to both, Westminster's demarcations illustrated and affirmed the Moral Law's perpetuity before, within, and after any covenantal arrangement to which it is annexed. A failure to properly distinguish and discern Moral Law as both law and covenant was a catalyst for errors leading Burgess to state that a correct view of both law and covenant is necessary "so the whole Law may be fully understood."⁹ This chapter will complete the investigation of the Assembly's doctrine of Moral Law's preeminence by discussing its perpetuity in relation to Moral Law as both law and covenant.

Moral Law as a Perpetual *Rule of Obedience*

According to Westminster theology, Moral Law could be viewed as mere law or as a covenant. Moral Law as law was commonly referred to as a "rule of obedience."¹⁰ Within the Standards, it is referred to as a "rule," "rule of life," "rule of obedience," "rule of faith," and a "rule of righteousness."¹¹ These synonymous terms are used contextually in the Standards to

⁶ This distinction is presupposed in the Standards but is maintained and explained in the personal writings of the Assembly members. For a more detailed treatment see John Colquoun, *A Treatise on the Law and the Gospel* (Grand Rapid, MI: Soli Deo Gloria Publications, 2009), 3–44.

⁷ The Roman Catholics were deemed legalists for adding works of the law to faith in Christ, and thereby distorting a proper view of justification. On the other hand, the Antinomian and the Anabaptist were referred to as being antinomian (anti-law) for abusing the law in the realm of sanctification. "As the Papists doe set up the law for Justification, so these cry downe the law for Sanctification." Bolton, *TBCF*, 98; Cf. Cawdrey, *CSV*, 20.

⁸ "[A] perpetuall fault among the Antinomians: they only pitch upon those places; where Christ and his grace is spoken of; but not of those Texts, where duties are commanded, especially those places of Scripture, where the Law of God is wonderfully commended, for the many reall benefits that come by it; where likewise the perpetuity and eternity of it is much celebrated." Burgess, *VL*, 280.

⁹ *Ibid.*, 229.

¹⁰ *WLC*, Q. 92.

¹¹ *WCF* 19.2, 6; *WLC* Q. 3, 24, 92, 97; *WSC* Q. 40; cf. Q. 2. In that the Scriptures are perceived as the fullest expression of the Moral Law, one can see why the Assembly stated in *WCF* 1.2 that the Scriptures are "to be the Rule of Faith and Life." James Ussher referred to the Moral Law as a "rule" of "new obedience" as it pertained to the believer. Ussher, *Body of Divinity*, 182. Thomas Boston referred to the Moral Law as "the rule of that obedience" that every person owes to God. Boston, *Shorter Catechism*, vol. 2, 52. Comp. Mitchell, *Catechisms of the Second Reformation*, 145

convey that the Moral Law is the perpetual expression of God's will for directing humanity's conduct. The *Confession* and *Larger Catechism* take pains to distinguish how the Moral Law is perpetually binding on every person regardless of their place in history or their salvific status.¹² Therefore, its obligatory force captures all humanity, whether Adam in innocence before the Fall, all his posterity after the Fall, a believer or unbeliever, whether living in the Old Testament era or the New.

Moral Law's Uses as a Rule of Obedience

In following the tradition of other confessions and catechisms, the Westminster Standards spoke of the "uses" of the Moral Law. These uses were divided into three categories respecting all humanity, the regenerate, and the unregenerate. They are distinguished here for further reference demonstrating Westminster's understanding of Moral Law as a rule of obedience in each category. As it pertains to all humanity in general, it is said "to inform...to convince...(and) to humble them."¹³ Each of these three has two uses attached. First, it *informs* by revealing "the holy nature and will of God" and "of their duty, binding them to walk accordingly."¹⁴ Secondly, it *convinc*es "them of their disability to keep it, and of the sinful pollution of their natures, hearts, and lives."¹⁵ The third pair of uses is when it *humbles* "them in the sense of their sin and misery, and thereby" serves to "help them to a clearer sight of the need they have of Christ, and of the perfection of his obedience."¹⁶

There are three uses each for the unregenerate and the regenerate. Some of these uses overlap with the general uses for all humanity. For the unregenerate, the Moral Law serves "to awaken their consciences to fly from wrath to come, and to drive them to Christ."¹⁷ If they continue in a state of unbelief, it serves "to leave them inexcusable, and under the curse thereof."¹⁸ For the regenerate, the Moral Law "is of special use, to shew them how they are bound to Christ for his fulfilling it, and enduring the curse thereof in their stead, and for their

¹² WCF 19.1-2, 5-7; 20.2; WLC Q. 91-97.

¹³ WLC Q. 95.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid., Q. 96.

¹⁸ Ibid.

good.”¹⁹ It also “provoke[s] them to more thankfulness,” while also motivating them “to
expresse the same in their greater care to conform themselves thereunto as the rule of their
obedience.”²⁰ The uses were stated in the Standards not only because they were so commonly
noted within Protestant confessions and catechisms but because so many of these biblical uses
were under attack by contemporary groups like the Antinomians, Anabaptists, Socinians, and
Familists.²¹

Law and Covenant Distinguished

Because Moral Law governs humanity as rational creatures, its binding force as a rule of
obedience is not weakened or abolished regardless of the circumstances or the covenantal status
in which a person exists. Moral Law, viewed as a rule of obedience, maintains its perpetual
obligation as law irrespective of its implementation within any covenant. Nonetheless, Moral
Law in a covenantal form is still, in essence, Moral Law. How a law becomes a covenant is by
the addition of a promise.²² Burgess maintained this distinction when he stated, “there is a meere
meere command, so long as it is a law onely; but when it is further confirmed by promises and
threatenings, then it becomes a Covenant.”²³ Therefore, a covenant does not exist without law,
but the law can exist without a covenant.

¹⁹ Ibid., Q. 97. Cf. *WCF* 19.6.

²⁰ Ibid.

²¹ See Rutherford, *Spiritual Antichrist* and Burgess, *VL*, 239-257.

²² Cf. Durham, *Ten Commandments*, 54-55. Comp. “It is synecdoche when *covenant* is used for the law or precepts to which the promise has been annexed, just as it is said with ‘the ark of the covenant’ (Num. 10:33; Josh, 4:18), in which were the tablets ‘of the covenant’ (Deut. 9:15, containing ‘the words of the covenant’ (Ex. 34:38)...For in the covenant there is both precept and promise. Indeed, God makes covenant by setting forth the law and the promise annexed to the law, and so He summons them to agree to the law and hope for the promise.” Johannes Cocceius, *The Doctrine of the Covenant and Testament of God*, trans. by Casey Carmichael, (Grand Rapids: Reformation Heritage Books, 2016), Sect. 3, p. 20. Herman Witsius acknowledged the essential nature of the promise and the law when he listed the “three things in general” that comprise a divine covenant: “1st. A *promise* of consummate happiness in eternal life. 2^{dly}. A *designation* and *prescription* of the condition, by the performance of which, man acquires a right to the promise. 3^{dly}. A *penal sanction* against those, who do not come up to the prescribed condition.” Herman Witsius (1636-1708), *The Economy of the Covenants Between God and Man*, vol. 1, (Kingsburg, CA: den Dulk Christian Foundation, 1990 reprint ed.), 46.

²³ Burgess, *VL*, 123. Comp. that when Ursinus defined law in general he did not differentiate between law as a law and as a covenant. Rather, he included the idea of covenant with his definition of law: “Law now, in general, is a rule, or precept, commanding things honest and just, requiring obedience from creatures endowed with reason, with a promise of reward in case of obedience, and with a threatening of punishment in case of disobedience.” Ursinus, *Heidelberg Catechism*, 490. For more on this topic see, Durham, *Ten Commandments*, 53-57; Fesko, *Westminster Standards*, 269-70; Bolton, *TBCF*, 28-29. Musculus, *Common Places*, p. 119-20. Edward

As a clarification, some may argue that a “meere command” or law already assumes “threatenings” and penal sanctions if not obeyed, and therefore, Burgess has overstated his case.²⁴ Even the WSC defined sin as “any want of conformity unto, or transgression of, the law of God.”²⁵ In question 84, in answer to “What doth every sin deserve, it stated, “Every sin deserveth God’s wrath and curse, both in this life, and that which is to come.”²⁶ James Durham helps clarify the argument because the threatenings to which both Burgess and others refer within the covenant arrangement concern the “promises made upon some condition,” which “if such a condition is not performed,” then those “threatenings” are carried out.²⁷ Thus the threats are directly associated with the covenant’s promise and conditions augmented above and beyond its penal sanctions as mere law.²⁸

Divine Origins Distinguished

Burgess also distinguished between the origins of a divine law and covenant. For him,

*a Law, and a Covenant, arise from different grounds: The Law is from God as supreme, and having absolute power, and so requiring subjection; the other ariseth from the love and goodnesse of God, whereby he doth sweeten and mollifie that power of his, and ingageth himself to reward that obedience, which were otherwise due, though God should never recompence it.*²⁹

Thus, a law, as law, must be obeyed simply because the Creator has commanded it.

Consequently, all creatures are subject to his authority and will. In contrast, a covenant is rooted

Fisher, *The Marrow of Modern Divinity* (Scotland: Christian Focus Publications, 2015), 121f. (Assembly members Joseph Caryl and Jeremiah Burroughs both wrote affirmations of Fisher’s book and its doctrine.)

²⁴ “The law of nature, inscribed on the heart of man in his creation, had a penal sanction. Although a penal sanction, as is evident from the case of glorified saints and confirmed angels, who are and who will remain eternally under the law of nature, is not inseparable from that law, yet such a sanction belongs to it.” John Colquhoun (1748-1827), *A Treatise on the Law and the Gospel* (Grand Rapids, Soli Deo Gloria Publications, 2009), 39. See FN #28 above containing Herman Witsius’s quote where a penal sanction is one of three essentials for a divine covenant.

²⁵ WSC Q. 14.

²⁶ *Ibid.*, Q. 84.

²⁷ Durham, *Ten Commandments*, 54-55.

²⁸ John Brown provided another argument concerning the sanctions of a law in his exposition of the WSC, “Is a threatening always annexed to God’s law? – A. No; it is only annexed when the persons under it are actually fallible, Gal. iii. 10, Lev. xxvi.” John Brown, *Essay Towards an Easy, Plain, Practical, and Extensive Explication of the Assembly’s Shorter Catechism*, 6th ed. (New York: Robert Carter and Brothers, 1859), 189.

²⁹ Burgess, VL, 122.

in God's condescending love and goodness towards his rational creatures.³⁰ Law, as law, must be obeyed, and no reward is promised nor should it be expected. Therefore, the rational creature's obligation to divine law is like the servant in Luke's Gospel, who does his master's will, and, having done all that was commanded, replies, "we have only done what was our duty."³¹ A covenant, however, has the gracious promise of reward that sweetens that authority and encourages obedience.

Party Agreement

Another distinction is that a covenant was perceived as being mutually agreed to by both parties, unlike mere law. Moral Law was divinely instituted apart from human consent, yet mutual agreement was maintained concerning covenants. Gouge understood a covenant as "an agreement" whether the covenant was human or divine. He defined a divine covenant as "a mutuall agreement betwixt God and man, whereby the one bindeth himself to the other."³² In doing so, he emphasized both aspects of promise and law associated with a divine covenant. For Gouge, there was a "promise on Gods part, which is in generall to make man happy" and a "retribution on mans part, which is to perform his duty in way of gratitude."³³

As this mutual consent pertained to Adam and the Covenant of Works, there was disagreement among theologians. Some claimed that Adam did not agree to be a federal head. This claim appears supported because Scripture nowhere speaks of his voluntary consent. Burgess argued that Adam's consent was not necessary to make the covenant valid.³⁴ His rationale was that Adam, in innocence, would naturally be agreeable to God's will and fully consent to any arrangement divinely procured on his behalf simply because God had commanded it.³⁵ Thus, Burgess saw Adam as willingly compliant because it was God's will, and Adam

³⁰ When a covenant is between human beings, they may be covenants between equals or unequals, such as that of a king and a peasant or a conquering king and the peoples he has subdued. In this sense, the king may be said to condescend to that of the other contracting party. In contrast, the condescension between an infinite, holy and all sufficient Creator to that of sinfully depraved humanity is not truly comparable to that of an earthly king except by a weak analogy. God's condescension is immeasurable and not fully comprehensible due to his infinite glory and humanity's depravity.

³¹ ESV, Luke 17:10.

³² Gouge, *Hebrews*, 8, Sect. 39, p. 250; Sect. 40, p. 251.

³³ *Ibid.*

³⁴ Burgess, *VL*, 126.

³⁵ *Ibid.*

would have made no other choice before his Fall. Although Burgess did not think Adam's consent was necessary, nevertheless, he willingly consented.

Moral Law: as a Rule, Preceded any Covenantal Form

As a rule of obedience, the Moral Law was written in Adam's heart at the time of Creation.³⁶ The Assembly commonly referred to this expression of Moral Law as Natural Law.³⁷ The principles of Natural Law governed Adam in his state of innocence, guiding and directing him in obedience to God's will.³⁸ Accordingly, James Robert Boyd referred to the Moral Law as "a first rule of obedience given to man in the constitution of his nature."³⁹ Therefore, Moral Law, as a rule of obedience, in the form of Natural Law, preceded the incorporation of Moral Law into the Covenant of Works made with Adam.⁴⁰ In this sense, Natural Law, written upon humanity's heart was viewed as the perpetual and immutable rule of obedience preceding any covenantal arrangement between God and humanity.⁴¹

Moral Law as a Covenant

³⁶ WLC Q. 92.

³⁷ See under the section on Expressions of the Moral Law below for more detail.

³⁸ "HENCE if Man had been any time without this Rule, he had been so long at a loss about his duty. For without this, he could not have known how to take one right step in pursuit of his great End: He would therefore have been without one main part of his Furniture for the Service he was made for, and God would so long unavoidably have lost his Glory by him, as he was a Man; which was altogether inconsistent with the Divine Wisdom." Willard, *Compleat Body of Divinity*, Sermon 148, vol. 1, 564.

³⁹ James Robert Boyd, *The Westminster Shorter Catechism with Analysis, Scriptural Proofs, Explanatory and Practical Inferences, and Illustrative Anecdotes*, Second, Kessinger Legacy Reprints (New York: M. W. Dodd, 1856), 107. Boyd repeated this emphasis a few lines down under #5 when referencing Genesis 127 and that "God created man in his own image." Ibid.

⁴⁰ The duration of time that elapsed before Adam fell is a debated topic. Some contend that Adam fell the day he was created. For more details and a list of different views, see Watson, *Body of Divinity*, 79-80.

⁴¹ Geerhardus Vos made the distinction between Adam's "natural relationship" at Creation and his relationship under the Covenant of Works yet, he denied there ever was "a single moment" in which "Adam existed...outside the covenant of works." His arguments and reasoning are weak and even the tensions within his own argument are felt as he continues to unfold his understanding. Vos's two premises that Adam was predetermined to be under the covenant, and that the Garden was fashioned for the purpose of being a stage on which Adam's probation period would be lived out, do not support his conclusion that Adam was never out from under the covenant of Works. This is not a valid and logical argument as Vos claimed but is rather a conflation of God's decree and providence. One may also demand an exegetical interpretation of Genesis 2:15. This verse clearly seems to indicate there was a period of time from the moment of Adam's creation until the time he was placed in the Garden and subsequently placed under the covenant. This may have been a very brief period of time, but time nonetheless, in which Adam was not under the Covenant of Works. Adam's needed consent demonstrates and demands a space of time between his moment of creation and his covenantal agreement. Geerhardus Vos, *Reformed Dogmatics*, ed. and trans. Richard B Gaffin Jr., vol. 2 (Bellingham, WA: Lexham Press, 2012), 32.

Covenant of Works

The Covenant of Works was established when God added the positive command concerning the Tree of Knowledge of Good and Evil to the Moral Law as a rule of obedience and then annexed the promise of life if obeyed.⁴² Within the Covenant of Works, the Moral Law served as a means of acquiring eternal life by Adam's complete obedience to it.⁴³ When considering the legal aspect of the Covenant of Works, most think of the command given to Adam concerning the Tree's fruit. Yet, for the Assembly, this singular positive precept was but one of many commands Adam was to obey while under this covenantal arrangement. *WCF* 19.1 begins by stating, "God gave to Adam a law, as a covenant of works."⁴⁴ Paragraph two starts, "**This law**, after his fall, continued to be a perfect rule of righteousness."⁴⁵ In these opening statements, the aspects of Moral Law as a covenant and a rule are emphasized. It is not until the third paragraph that the particular law is finally identified as "**this law**, commonly called **moral**."⁴⁶ This language validates that the Assembly viewed Moral Law as a legal aspect of the Covenant of Works to which the promise of life and threatening of death was annexed.⁴⁷ The positive command regarding eating from the Tree is not mentioned as the Covenant of Works' stipulation anywhere in chapter nineteen of the *Confession*.⁴⁸ Yet, the command's addition to the Moral Law already written in Adam and Eve's heart was previously stated in chapter four, paragraph two.

Moral Law preceded the Covenant of Works, but as *WCF* 19.2 states, "after his fall, [it] continued to be a perfect rule of righteousness." Therefore, the covenantal arrangement that

⁴² There was no monolithic view of the biblical covenants among members of the Assembly. For a list of the differences held, see Edmund Calamy, *Two Solemne Covenants Made between God and Man: Viz. the Covenant of Workes, and the Covenant of Grace. Clearly Laid Open, Distinguished, and Vindicated from Many Dangerous Opinions; the Right Knowledge of Which [Sic] Will Be Very Profitable to All Those That Have Escaped the First, and Are Confirmed in the Second at the Sacrament. January 15. 1646* (London: Imprimatur. John Downname, 1647); Fesko, *Theology of The Westminster Standards*, 145-152.

⁴³ *WCF* 19.1.

⁴⁴ *Ibid.* (emphasis additional).

⁴⁵ *Ibid.*, 19.2. (emphasis additional).

⁴⁶ *Ibid.*, 19.3. (emphasis additional).

⁴⁷ See Burgess' discussion on what aspect of life and death are promised under this covenantal arrangement. Burgess, *VL*, 123.

⁴⁸ In chapter 6.1-2, it is specifically referred to as the sin which led to Adam and Eve's fall under that covenantal arrangement. In chapter 7, that arrangement is called the "Covenant of Works" and is set in contrast with the 'Covenant of Grace.'

adapted the Moral Law as a stipulation of eternal life does not interrupt the perpetuity of the Moral Law as a rule of obedience.⁴⁹ One might view this relationship as the Moral Law being clothed with a covenant that can be put on or taken off without ever affecting the Moral Law's essence of perpetuity and binding force.⁵⁰ Therefore, Moral Law's perpetuity precedes any assumed divine covenantal form and continues beyond the termination of that covenantal form.

Moral Law's Perpetual Roles in the Covenant of Works: Condition of Life or Curse

When the Moral Law is assumed within a covenantal form, it takes on a particular role(s). Although these roles may overlap with the commonly stated uses above, some are particular to a specific covenantal arrangement. An example would be its role within the Covenant of Works. Within that covenant, the Moral Law was made a *condition of eternal life*. Adam was placed under the Covenant of Works for a probationary period of unstipulated duration. As the federal representative of all his posterity, his perfect obedience to the Moral Law and the added positive law would have resulted in eternal life for himself and his posterity.⁵¹ Herein is the annexed promise superadded unto the law, resulting in a covenant according to the above definition. Therefore, the Covenant of Work's fulfillment would have procured everlasting life, making Adam's perfect and complete obedience to the law a "condition" of eternal life.⁵² As a result of this role, the Covenant of Works was also referred to as "a covenant of life."⁵³ This role is unique to the Covenant of Works and seen as impossible within the Covenant of Grace.

Within the Covenant of Works, the Moral Law also has a role of cursing or condemnation. If perfect obedience led to life, then disobedience led to death.⁵⁴ Therefore,

⁴⁹ Cf. Willard, *A Compleat Body of Divinity*, vol. 1, Sermon 148, 560-563.

⁵⁰ In expounding WCF 19, an overture of the Associate Reformed Synod of 1783 stated, "This chapter treats of the law of God, and states a distinction between the law as vested with the form of a covenant, and the same law as stripped of that form; and doubtless this distinction is well founded." *Exposition and Defense of the Westminster Assembly's Confession of Faith Being the Draught of an "Overture" Prepared by a Committee of the Associate Reformed Synod of 1783. A New Edition" With an Introduction and Notes, By Rev. David McDill, D.D.* (Cincinnati, OH: Moore, Wiltach, Keys & Co., 25 West Fourth Street, 1855), 162.

⁵¹ "They being the root of all mankind, the guilt of this sin was imputed, and the same death in sin and corrupted nature conveyed to all their posterity, descending from them by ordinary generation" WCF 6.3; Cf. Burgess, *VL*, 108-109.

⁵² WCF 7.2, WLC Q. 20, WSC Q. 12. Cf. Durham, *Ten Commandments*, 54-55; John Colquhoun, *A Treatise on the Law and the Gospel*, 10-25.

⁵³ WLC Q. 20, WSC Q. 12.

⁵⁴ The assembly affirmed a threefold understanding of death as it was associated with a violation of the Covenant of Works: physical, spiritual, and eternal (WCF 6.6, Cf. Burgess, *VL*, 109). How long Adam would have

within the Covenant of Works, Moral Law's two roles were either a *condition of life* or a *curse unto death*. Like the Moral Law itself, these two roles are seen as perpetual. The basis of such a claim is two-fold. First, Adam federally represented all of his posterity to the end of time.⁵⁵ The universal and perpetual nature of Adam's federal headship makes the conditions of this covenant, and therefore the roles of the Moral Law within it, both universal and perpetual. Secondly, the demands of the Covenant of Works were never repealed. Thus, Adam may have failed, but the Covenant's demands remain.⁵⁶

The Tree of the Knowledge of Good and Evil: Moral Law or Moralism?

Westminster's high and reverent view of God's Word is seen in the opening chapter of the *Confession*. The Assembly demonstrated their faith in the historical reality of Genesis by a question common to both the *Shorter* and *Larger* catechisms.⁵⁷ The question is, "What did God at first reveal to man for the rule of his obedience?"⁵⁸ The *Shorter's* answer states, "The rule which God at first revealed to man for his obedience, was the moral law."⁵⁹ This answer points to the Moral Law written on Adam's heart at Creation. In comparison, the *Larger Catechism* provides an answer a bit more intriguing. It states, "[t]he rule of obedience revealed to Adam in the estate of innocency, and to all mankind in him, beside a special command, not to eat of the

physically lived outside this covenantal arrangement is unknown but many assumed he was created with physical immortality. "The orthodox they hold, that immortality was a priviledge of innocency, and that Adams body then onely became mortall, when his soule was made sinfull." Burgess, *VL*, 110-11; Cf. Thysius, *SPT*, vol. 1, Disp. 13.39. Physical death is the separation of the soul from the body but also includes the miseries of this temporal life. "so that hereby is implied a condition and a change of Adams state as soon as he should eate this forbidden fruit: And by death, we are not onely to meane that of the actual dissolution of soule and body, but all diseases and paines, that are the harbingers of it." Burgess, *VL*, 109; Cf. *WSC* Q. 17, 19. Spiritual death pertained to that relationship of uninterrupted communion and access Adam had with God that was lost due to his transgression (Eph. 2:1-5, 4:18). Eternal death pertained to the eternal punishment he would suffer, immediately following his physical death (Matt. 25:41, 2 Thess. 1:9).

⁵⁵ Burgess argues that neither holiness and happiness nor sin and the curse comes by natural or ordinary generation. It must instead be by imputation according to the covenant arrangement under which Adam stood as a federal representative. For him, it must "come by a natural necessity, but onely by the mere covenant and agreement of God." For if it had come by a natural necessity, then "Adams repentance might then have been imputed to us, as well as his sin." Burgess, *VL*, 124.

⁵⁶ As Sproul stated, "We know that the power and ability to keep God's law was lost by Adam, but the obligation to keep the law was never set aside." Sproul, *Truths We Confess*, 417.

⁵⁷ *WSC* Q. 40 and *WLC* Q. 92.

⁵⁸ The only difference in the two questions is that the *Larger Catechism* has "as the rule of his obedience" rather than "for the rule..." Ibid.

⁵⁹ *WSC* Q. 40.

fruit of the tree of the knowledge of good and evil, was, the Morall Law.”⁶⁰ These two answers not only reveal their belief in the historical reality of Adam but in the present, continuing effects of his life and decisions as recorded there.

To see the depth of their understanding of Adam’s actions and the importance of this unique Tree for the present day, a comparison with an expositor of the *Westminster Larger Catechism* is in order. Johannes G. Vos’s exposition of *WLC* Q. 92 draws attention to the added phrase “beside a speciall command, not to eat of the fruit of the tree of the knowledge of good and evil.”⁶¹ Vos does so in such a way that he connects it with the “estate of innocency” in which Adam stood when he received the command, which though true, misses the intended point of the answer.⁶² Vos increased his distinction between “the special command” and “the moral law as the rule of obedience” by referring to the former as “the condition of the covenant of works” that was given “Apart” from the latter.⁶³ In contrast, the *Larger Catechism* used the word “beside” and not “Apart” to describe the relationship between the two. The *Larger Catechism*’s answer reveals that an additional law was added “beside” the Law of Nature already written on Adam’s heart, which became part of the rule of obedience for Adam and all his posterity. This added law given to Adam in the Garden pertains “to all mankind” in a unique covenantal way. By comparing the two catechetical answers, the Assembly saw this added “speciall command” as moral (i.e. perpetual) and covenantally binding on all humanity until the end of time.

Defense of this conclusion is drawn from Cawdrey, who argued that the command not to eat from the Tree of Knowledge was considered a “Morall-Positive” law, placing it within the genus of Moral Law.⁶⁴ As Cawdrey perceived it, even though given to Adam before his Fall, it is a command “reaching to all his Posterity, to the worlds end.”⁶⁵ Its perpetuity to the world’s

⁶⁰ *WLC* Q. 92.

⁶¹ Johannes Geerhardus Vos, *The Westminster Larger Catechism: A Commentary*, ed. G. I. (Phillipsburg, N.J: P & R Publishing, 2002), Q. 92, q. 1–5, p. 223.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ Cawdrey, *CSV*, 13. Cf. Walker, *DS*, 60.

⁶⁵ Cawdrey, *CSV*, 13. Cf. *WCF* 7.2, 19.1, *WLC* Q. 30

end allowed for its classification as moral.⁶⁶ On this basis, Cawdrey felt approved in categorizing the command as a Moral-positive law.⁶⁷ His argument also entailed a universal dimension that is necessarily intertwined with perpetuity. Cawdrey referred to the “too wofull *experience*” of “all Mankind being *sinner*s for *breaking* of it in and with *Adam*.”⁶⁸ This statement concerns all people throughout all time, until the world’s end. Thus, this argument maintains the principle of imputation based on Adam’s federal headship.⁶⁹ In this way, the *guilt* of Adam’s sin of eating from the Tree is reckoned to all of Adam’s descendants (*WCF* 6.3, *WLC* Q. 22, 25, *WSC* Q. 15, 18).⁷⁰ Therefore, the rule of obedience first revealed to all humanity is the Moral Law written on Adam’s heart at Creation and the “speciall command” concerning eating the Tree’s fruit through Adam’s federal representation.⁷¹

Likewise, Burgess asserted the universality and perpetuity of the command to the covenantal arrangement when he stated,

[this] will be further cleared, when wee come to shew, that this is not meerly *a law*, but *a covenant*, and so by that meanes there is a communicating of *Adams sinne* unto his posterity. And, indeed, if God had not dealt in a covenant way in this thing, there could

⁶⁶ *Ibid.* Walker classified it as generally positive and not moral-positive even though it is a divine positive law. This is based on his comparing it to the Judicial Laws of Moses “which tend to preserve & maintain good order, society & peace, not onely between the creator and man his creature, but also betweene man & other creatures.” Walker, *DS*, 62.

⁶⁷ See Thesis Chapter 4.

⁶⁸ Cawdrey, *CSV*, 13. Cf. Carter, *Covenant of God*, 50, where he references 1 Cor. 15:22 and the death that spread to all men as a consequence of Adam’s sin in comparison to Christ as the life-giving second Adam.

⁶⁹ Beattie refers to Adam’s “natural rootship” and “federal headship.” The first concerned Adam as the biological head of all humanity and the second as the covenantal representative of all humanity. Beattie, *Presbyterian Standards*, 95.

⁷⁰ This position is supported in the Standards by Rom. 5:12-19 and 1 Cor. 15:21 but is also set in contrast with the imputation of the merits of Christ’s perfect righteousness and atoning death which are imputed to those who believe by faith. Cf. *WCF* 11.1, *WLC* Q. 70, *WSC* Q. 33. For a detailed discussion on this topic as it relates to the error of the Antinomians, see John Flavel’s chapter entitled “Error 7: Sin really transferred to Christ” found in his treatise *Planelogia* containing his apologetic more commonly known as *A Blow at the Root of Antinomianism*. Flavel distinguished between the *perceptive* and the *penal* aspects of the law and how they relate to Christ’s death as a vicarious substitute. The Antinomian error ascribed imputed sin to Christ, not solely the guilt and punishment of that sin, thereby making Christ sinful. Similarly, they ascribed an imputed righteousness found in Christ to the believer, thereby making them as inherently righteous as Christ, and consequently, free from sin. The Antinomian error is addressed by Flavel who maintained the sinlessness of Christ while ascribing to him the “guilt” of our sin for which he suffered, not the sin itself. Similarly, the merits of Christ’s atonement are imputed to the believer, not his infinite, sinless nature. This error logically led to others within Antinomianism. Flavel, “Planelogia and a Blow at the Root of Antinomianism,” Error 7: Sin really transferred to Christ. Comp. Fisher’s discussion in *Marrow of Modern Divinity*, 121f.

⁷¹ *WLC* Q. 92.

be no more reason, why *Adams* sinne should be made ours, then the sinnes of our immediate parents are made ours.⁷²

For Burgess, the imputation of guilt upon Adam's posterity resulted from the covenant under which Adam was placed. On the other hand, Cawdrey focused on the perpetual, federal impact Adam's Fall had upon all his posterity. Therefore, Burgess focused on the cause or means of the imputation (the covenant), while Cawdrey focused on the resulting imputed guilt due to Adam's federal headship in the covenant (the guilt of all humanity).⁷³ While Burgess highlighted the nature of the covenant, Cawdrey highlighted the nature of the positive precept within the covenant.⁷⁴ Both arguments emphasize the universality and perpetuity of the Moral Law's role as either a condition of life or a curse of death by imputation; and both necessarily included the essential promise and curse of the covenant concerning the Tree's fruit. Regardless of whether one viewed the precept concerning the Tree as purely positive or Moral-positive, Westminster held that Moral Law, in the form of Natural Law written on Adam's heart, was engrafted into the covenantal arrangement. So essential are those precepts that by breaking the positive command concerning eating the fruit, he in turn broke all the moral laws.⁷⁵

Adam's transgression resulted in a curse for himself and all his posterity. The unregenerate are, by his federal headship, "in Adam" and under the curse of the first Covenant regardless of place or time. WSC Q. 16 asks, "Did all mankind fall in Adam's first transgression?" The answer asserts they did because Adam represented himself and "his posterity;" therefore, "all mankind, descending from him by ordinary generation, sinned in him, and fell with him in his first transgression."⁷⁶ WSC Q. 18 reveals that not only is the perpetual curse on all of Adam's posterity, but so is "the guilt of Adam's sin" of eating the forbidden fruit.

⁷² Burgess, *VL*, 108-109.

⁷³ Both of these elements are discerned in Polyander, *SPT*, vol. 1, Disp. 14.5.

⁷⁴ Burgess does emphasize that the positive command was universal. Burgess, *VL*, 108.

⁷⁵ Cf. Polyander, *SPT*, 14.7. Cf. Samuel Willard who stated, "DIVINES well observe, That Adam in this one act, trod under foot, and despised all God's attributes, and commands...there was a more direct and immediate violence offered to the particular precepts in the Decalogue; as some have remarked." Willard then explained how this one act broke each commandment. Willard, *A Compleat Body of Divinity*, Sermon 55, vol.1, 193-194. See also other expositors who take the same approach: Boston, *Shorter Catechism*, vol. 1, 270-272; Brown, *Explication of the Assembly's Shorter Catechism*, Q. 15, q. 16-25. Others like Alfred Nevin did not rehearse the Decalogue but rather provide a list of the moral evils that Adam committed. Nevin, *Notes on the Shorter Catechism*, 76-77. Ridgley affirmed the breaking of the Decalogue but then continued to rehearse the moral evils contained in this act of disobedience. Ridgley, *Body of Divinity*, vol. 1, 397-398.

⁷⁶ WSC Q. 16.

This imputed guilt denies anyone from attaining “personal, perfect, and perpetual conformity and obedience” to the Moral Law.⁷⁷

Adam’s guilt for this single violation, reckoned personally to each human being, destroyed any hope of attaining perfect obedience by their own merit before their actual physical birth. Therefore, the possibility that one could be born and live in perfect obedience to the law and thereby merit eternal life is antithetical to this view.⁷⁸ Thus, imputation of guilt is one of the reasons *WLC* Q. 94 states, “no man, since the fall, can attain to righteousness and life by the moral Law.”⁷⁹ Not only is every person depraved and naturally opposed to holiness, and therefore, incapable of perfectly obeying the law, but their life commences with the inescapable imputed guilt of Adam’s first sin. The importance of viewing the perpetuity of the guilt and curse of eating from the Tree of the Knowledge of Good and evil by these divines becomes more crucial once the idea of two co-existing covenants is examined below.

The Condition of the Elect before Regeneration

Westminster viewed God’s elect before their regeneration as being personally and indeed under God’s wrath and in a state of condemnation. In contrast, the Antinomians taught eternal justification, which deemed the elect as always justified in this life. Though there were some nuances to this within the movement, Rutherford stated,

Wee hold against *Antinomians* that we are never justified till we beleeve. They say *from eternity we were justified*; or *from the time that the Messiah dyed, all sins were finished, and wee justified*, or from our birth. But justification in Gods decree and purpose from eternity, is no more justification then Creation, sanctification, glorification, the crucifying of Christ, and all things that fall out in time; for all these were in the eternall purpose of God. 2. In justification, our sinnes are, in their guilt, fully done away, as a thick cloud, *cast in the bottome of the sea, rememb[e]red no more, sought for, and not found*, if all this was done from eternity, beleevers were never sinners, never children of wrath, really,

⁷⁷ *WLC* Q. 93.

⁷⁸ Those who deny the divine means of conception by the Holy Spirit (Matt. 1:18, 20) and virgin birth of Jesus Christ (Matt. 1:22), thereby align him with the rest of fallen humanity in Adam and consequently make void any hope of his truly being sinless and offering up a truly perfect sacrifice as a full and sufficient atonement on behalf of the elect. Jesus’ lack of ordinary generation is demanded if he is to be the “fitting” “high priest” who is “holy, innocent, unstained, separated from sinners” as to his human nature. (Heb. 7:26, *ESV*).

⁷⁹ *WLC* Q. 94. One of the proof-texts for this phrase is Galatians 2:16 which states, “yet we know that a person is not justified by works of the law but through faith in Jesus Christ, so we also have believed in Christ Jesus, in order to be justified by faith in Christ and not by works of the law, because by works of the law no one will be justified.” (*ESV*)

as *Paul* saith; never *dead in sinnes*, never *enemies to God, or ungodly*; they were onely such in a mentall consideration.⁸⁰

The Covenant of Work's universal and perpetual condemnation implies that this is the Elects' condition before their regeneration by the Holy Spirit. As Bolton stated, "It is an unavoydable curse; as thou art a sonne of Adam, so thou art borne an heire to this curse."⁸¹ This view is supported by the *Confession*, which states,

Wherefore they who are elected being fallen in Adam, are redeemed by Christ, are effectually called unto faith in Christ by his Spirit working in due season; are justified, adopted, sanctified, and kept by his power through faith unto salvation.⁸²

The *Confession* states that the elect are "fallen in Adam" yet there must be a point where their status changes from being *in Adam* to being *in Christ*.⁸³ Therefore, *WLC* Q. 30 asks,

Doth God leave all mankind to perish in the estate of sin and misery? A. God doth not leave all men to perish in the estate of sin and misery, into which they fell by the breach of the first covenant, commonly called the Covenant of Works; but of his mere love and mercy delivereth his elect out of it, and bringeth them into an estate of salvation by the second covenant, commonly called the Covenant of Grace.

Therefore, the *Confession* acknowledges that all humanity is in a state of sin by virtue of the Covenant of Works, yet God "delivereth his elect out of it." This phrase highlights the Elects' pre-salvific state of slavery to sin and its curse unto death. From this condition, the elect are transferred into a condition of forgiveness and life under the Covenant of Grace.⁸⁴ Therefore, Bolton could say, "[t]hat yet all Adams posterity they lie under the Covenant of workes, as Adam left them after his fall, till they come over to Jesus Christ."⁸⁵

Two Co-existing Covenants

⁸⁰ Rutherford, *Spiritual Antichrist*, 19 (of part 2 of the volume).

⁸¹ Bolton, *TBCF*, 336.

⁸² *WCF* 3.6.

⁸³ Cf. Romans 5. *WLC* Q. 31. Comp. *WCF* 3.6 states, "Wherefore they who are elected being fallen in Adam, are redeemed by Christ, are effectually called unto faith in Christ by his Spirit working in due season; are justified, adopted, sanctified, and kept by his power through faith unto salvation."

⁸⁴ "To clear your way into the covenant, it is necessary to shew, by what means it is that a sinner embraceth and is instated in it, effectually unto salvation. And this, in one word, is by faith, or believing on Jesus Christ: Acts 16:31." Thomas Boston, *The Whole Works of Thomas Boston: Human Nature in Its Fourfold State and a View of the Covenant of Grace* (Aberdeen: George and Robert King, 1850), 578.

⁸⁵ Bolton, *TBCF*, 148.

The quotes above presuppose that the two covenants existed simultaneously once the Covenant of Grace was announced post-Fall by God to Adam and Eve in the Garden (Gen. 3.15).⁸⁶ From that point on, not only were there two existing covenants: Works and Grace; there were two types of people: regenerate and unregenerate.⁸⁷ Once Adam and Eve fell, they were unregenerate sinners condemned in the Covenant of Works for eating of the Tree and needful of God's saving mercy. God's gospel proclamation to them in Genesis three ushered the Covenant of Grace into the world.⁸⁸ The Spirit's regenerating work manifested by their expressed saving faith in the Promised Messiah becomes the catalyst that transferred these sinners from the Covenant of Works to the Covenant of Grace.⁸⁹ Likewise, their descendants, born in a state of sin and misery, stand cursed in the Covenant of Works unless and until they believe in the promised Messiah offered in the gospel.⁹⁰

Although this thesis highlights the view of two coexisting covenants following Adam's Fall, it must be noted that other views existed. As with the Mosaic Covenant, so too there were differing views concerning the Covenant of Works. Some, like the Antinomians, viewed the entire Old Testament as under the Covenant of Works, which by default would have made the Ceremonial Law a system of works righteousness rather than of grace and an expression of the gospel.⁹¹ Letham understands both John Ball (and later, Herman Bavinck) as viewing the Covenant of Works as having ceased once it was broken.⁹² Those represented by Adam are essentially covenantally dead and without hope, and the Covenant of Grace replaces the now obsolete Covenant of Works.

⁸⁶ "There are two distinct kinds of divine covenants which God made with man. One of *works*. The other of *grace*. These the Apostle expressly calleth *two covenants*, Gal. 4. 24." Gouge, *Hebrews*, 8. Sect. 42, p. 253.

⁸⁷ Comp. Johannes Cocceius stated "The *covenant of God* with man is *twofold* according to opposing ways of receiving the love of God: *of works* and *of grace*." He began chapter three by listing the five steps by which the covenant of works is abrogated. These five steps not only cover the time between the moment of Adam's first sin until the general resurrection, they become the thematic framework for the remainder of the book. Cocceius, *Doctrine of the Covenant*, Sect. 11, p. 26, 58.

⁸⁸ Cf. Gamble, *Christ and the Law*, 135.

⁸⁹ Cf. Col. 1:13.

⁹⁰ Comp. *WLC* Q. 22-32 with 57-61.

⁹¹ Gamble, *Christ and the Law*, 135.

⁹² "After the covenant of works was broken it expired. As Bavinck comments, "When humans broke the covenant of works, God replaced it with the greatly improved covenant of grace." Letham, "Not a Covenant of Works in Disguise" (Herman Bavinck): *The Place of the Mosaic Covenant in Redemptive History*, 148.

The view that the Covenant of Works continues after the inauguration of the Covenant of Grace is much different than stating that the Covenant of Works was republished or “reinstated” at Mount Sinai. For once it was broken; it was never again an option for guilty sinners to seek eternal life by means of perfect obedience as did Adam. Their continuing guilt under the curse of the Covenant of Works is another matter altogether and held out clearly in Scripture (Rom. 5).

James Fisher addressed the issue of the two coexisting covenants in his exposition of the WSC,

Q. 23. If both covenants, of grace and works, were exhibited on Mount Sinai, were not the Israelites, in that case, under both these covenants at one and the same time? A. They could not be under both covenants in the same respects, at the same time; and therefore they must be considered either as believers or unbelievers, both as to their outward church state and inward soul frame. Q. 24. In what respects were the believing Israelites, in the Sinaitic transaction, under both covenants? A. They were internally and really under the covenant of grace, as all believers are, Rom. 6:14, and only externally, under the above awful display of the covenant of works, as it was subordinate and subservient to that of grace, in pointing out the necessity of the Surety-righteousness, Gal. 3:24. Q. 25. In what respects were unbelievers among them, under these two covenants of works and grace? A. They were only externally, and by profession, in respect of their visible church state, under the covenant of grace, Rom. 9:4; but internally, and really, in respect of the state of their souls, before the Lord, they were under the covenant of works, chap. 4:14, 15.⁹³

Like Fisher, Bolton perceived a distinction between those *under* and those *in* the Covenant of Grace.⁹⁴ The Covenant of Grace was inaugurated with Adam’s Fall and God’s pronouncement of the *protoevangelium* in Genesis 3:15. Consequently, all humanity has been under the Covenant of Grace since that time yet, only the regenerate are *in* the Covenant of Grace. According to this model, all the unregenerate are in the Covenant of Works and therefore subject to its penal sanction of death. Since the Covenant of Grace’s inauguration, they stand *under* the dispensational time of the Covenant of Grace but do not partake *in* its saving benefits as a consequence of their unbelief. The regenerate are freed from the penalties of the Covenant of Works and have been translated out of it and into the Covenant of Grace and thereby participate

⁹³ Fisher, *Assembly’s Shorter Catechism*, Q. 41, q. 23-25.

⁹⁴ Bolton, *TBCF*, 170-71.

in its gracious benefits.⁹⁵ This is what Fisher meant by stating that a person “could not be under both covenants in the same respects, at the same time.”⁹⁶

The Assembly held that the Covenant of Grace, as one and the same essential covenant, exists in both the Old and New Testaments.⁹⁷ Yet, it was acknowledged that it was administered administered in different ways.⁹⁸ The *Sum of Saving Knowledge* agrees with the Assembly and stated,

The covenant of grace, set down in the Old Testament before Christ came, and in the New since he came, is one and the same in substance, albeit different in outward administration: For the covenant in the Old Testament, being sealed with the sacraments of circumcision and the paschal lamb, did set forth Christ’s death to come, and the benefits purchased thereby, under the shadow of bloody sacrifices, and sundry ceremonies: but since Christ came, the covenant being sealed by the sacraments of baptism and the Lord’s supper doth clearly hold forth Christ already crucified before our eyes, victorious over death and the grave, and gloriously ruling heaven and earth, for the good of his own people.⁹⁹

This dual covenantal coexistence will continue until the end of time. Therefore, the Moral Law’s roles within the Covenant of Works remain perpetually binding on the unregenerate to confirm them in eternal life or condemn them to eternal death. Even though Adam failed and thereby plunged all humanity under sin’s curse, the condition of life by law-keeping is still held out, although no longer attainable by any of Adam’s natural descendants.¹⁰⁰ This doctrine is substantiated by holding the progression of *WLC* questions 91-94.¹⁰¹ Although it is impossible

⁹⁵ *WSC* specifically address these benefits in Q. 36-38. The *WLC*, though not using the language of “benefits,” addresses the same truths in Q. 79-90. In both catechetical structures, these evangelical benefits associated with saving work of Christ are immediately followed by the catechetical explanation of the Moral Law. These evangelical benefits are viewed as the catalyst for the believer’s thankful response to God expressed by keeping his Moral Law as well as the perpetual standard by which they are live their lives.

⁹⁶ Fisher, *Assembly’s Shorter Catechism*, Q. 41, q. 23.

⁹⁷ “There are not therefore Two Covenant of Grace, differing in substance, but one and the same, under various dispensations.” *WCF* 7.6.

⁹⁸ “This Covenant was differently administered in the time of the Law, and in the in the time of the Gospel.” *WCF* 7.5.

⁹⁹ “The Sum of Saving Knowledge,” in *Westminster Confession of Faith* (Glasgow: Free Presbyterian Publications, 1994), Head II.2, 325. Cf. Bolton, *TBCF*, 143-48, Burgess, *VL*, 6, 162, 165, 256, 257.

¹⁰⁰ Cf. Gamble, *Christ and the Law*, 136.

¹⁰¹ In Q. 91 and 92, the Moral Law and the positive command concerning the fruit of the Tree are revealed to Adam, which implies the arrangement of the Covenant of Works although stated to be “the moral law.” The next question defines Moral Law and denotes how it binds “every one to personal, perfect, and perpetual conformity and obedience” both in “soul and body” to “all those duties of holiness and righteousness” towards “God and man.” The next phrase reveals the perpetual nature of both roles of the Moral Law under the Covenant of Works by stating, “promising life upon the fulfilling, and threatening death upon the breach of it.” *WLC* Q. 91-94. This author views

to attain life by the works of the law, the Moral Law's roles as a condition of life and a curse within the Covenant of Works are perceived as perpetual under this model as held by certain members of the Assembly. Therefore, not only are the two covenants perpetually co-existent but so too are the Moral Law's roles within both Covenants.

Covenant at Mount Sinai

Like the covenant with Adam at Creation, the covenant formed with Israel at Mount Sinai also annexed the Moral Law as an integral part of the arrangement. The Mosaic Covenant became a thorny issue within covenantal schema. Some saw it as a third covenant, others as the republication of the Covenant of Works, others as some mixed covenant of both Works and Grace, and others understanding it solely as part of the Covenant of Grace. The last view appears to be the one reflected in Westminster's confession with the understanding that the Old and New Covenants were same in substance but differed in administration.¹⁰² Many have noted that the Decalogue given by Moses is called a covenant. As Fisher expounded WSC Q. 41, he asked in q. 15, "In what form was the law of the Ten Commandments given out at Mount Sinai?" He answered, "In the form of a COVENANT."¹⁰³ His support is Deuteronomy 5:2, which states, "The LORD our God made a covenant with us in Horeb."

WLC Q. 91-94 as supporting the idea of two co-existing covenants due to its reference to the Tree in Q. 92 and the way both Cawdrey and Burgess addressed the issue of the Tree as seen above. Others may disagree because no mention is specifically made concerning the Covenant of Works within Q. 91-94. Either way, it demonstrates all the more the diversity of opinions held concerning the covenants both at the Assembly and even today which demands charity.

¹⁰² WCF 7.5-6. Cf. ¹⁰² It is not uncommon for theologians to refer to the Decalogue given at Mount Sinai as a restatement or "republication" of the Covenant of Works as subservient to the Covenant of Grace. This particular Mosaic covenant was at the heart of many differing covenantal views. Space does not permit a treatment of the topic but the reader is referred to a full taxonomy in John Ball, (1585-1640), *A Treatise of the Covenant of Grace Wherein the Gradually Breakings Out of Gospel Grace from Adam to Christ Are Clearly Discovered, the Differences Betwixt the Old and New Testament Are Laid Open, Divers Errors of Arminians and Others Are Confuted, the Nature of Uprightnesse, and the Way of Christ in Bringing the Soul into Communion with Himself... Are Solidly Handled / by That Faithfull Servant of Jesus Christ, and Minister of the Gospel, John Ball* (London: Published by Simeon Ash, 1645). Cf. Robert Letham's article examining Meredith Kline's covenantal view in light of Ball's full taxonomy. Robert Letham, "'Not a Covenant of Works in Disguise' (Herman Bavinck): The Place of the Mosaic Covenant in Redemptive History," *Mid-America Journal of Theology* 24 (2013), 143-177. Comp. Robert Shaw, who referred to it as a mixture of the Covenant of Works and Grace while others noted the law being given as a republication of the Covenant of Works. Shaw, *Exposition of the Westminster Confession of Faith*, 195; Hodge, *Westminster Confession*, 55. Colquhoun, *A Treatise on the Law and the Gospel*, 46-47.

¹⁰³ Fisher, *Assembly's Shorter Catechism*, Q. 41, q.15.

Burgess defended the Decalogue being called a covenant on two premises: 1) the Decalogue has “the name of a Covenant,” and 2) it also has “the reall properties of a Covenant.”¹⁰⁴ In defense of his second premise, he provided four means by which the giving of the Ten Commandments possessed the fundamental properties of a covenant,

In the words quoted out of *Exodus*, you see these things which belong to a Covenant: First, there is God himselfe expressing his consent and willingnesse to be their God, if they will keep such Commandements there and then delivered to them *ver.* 3. Secondly, you have the peoples full consent, and ready willingnesse to obey them, *ver.* 3. & *ver.* 7. Thirdly, because Covenants used to be written down for a memoriall unto posterity, therefore we see *Moses* writing the precepts down in a book. Fourthly, because Covenants used to be confirmed by some outward visible signes, especially by killing of beasts, and offering them in sacrifice, therefore we have this also done, and halfe of the blood was sprinkled on the Altar, to denote Gods entring into Covenant, and the people also were sprinckled with blood, to shew their voluntary covenanting. Thus we have reall covenanting when the Law is given.¹⁰⁵

Means one and two are of importance. They demonstrate the condescension of God in a promise to Israel and Israel’s willing agreement. The first also acknowledged God’s law as the duty to be kept by Israel. Because of this covenantal arrangement, the Ten Words are referred to as a covenant. Therefore, because a promise is evident, the Assembly had no reservation in referring to the Moral Law as a covenant regarding either the Covenant of Works or Israel’s covenant at Mount Sinai.

Covenant of Grace

In contrast to the Covenant of Works, the Moral Law is impotent for Adam’s natural descendants as a means of justification and acquisition of eternal life within the Covenant of Grace.¹⁰⁶ William Gouge spoke of the Moral Law being “mollified” according to four “circumstances.”¹⁰⁷ Of those four, the first was,

¹⁰⁴ Burgess, *VL*, 230. .” It is on the basis of these two premises that he declared “The Doctrine I will insist upon, is That the Law was delivered by God on Mount Sinai in a Covenant way: Or, The Law was a Covenant that God made with the people of Israel.” Burgess immediately set out to prove his first premise by appealing to such passages as 2 Kings 18:12; Deuteronomy 17:2; 2 Chronicles 6:11; and especially Jeremiah 11:2-4. *Ibid.*

¹⁰⁵ *Ibid.*, 230-231. The people are said to have entered into a covenant by this transaction: Deut. 29:10-13; 26:17-18. *Ibid.*, 231.

¹⁰⁶ “*In respect of Justification.* Though, I say, *mitigation* might be properly here used, yet we will call it *abrogation* (with the *Orthodox) because to the godly it is in some sense so. And that which is most remarkable, and most comfortable, is, in respect of justification; for now a beleever is not to expect acceptance at the throne of grace in himself, or any thing that he doth, but by relying on Christ.” Burgess, *VL*, 217-18. See also p. 9.

¹⁰⁷ Gouge’s four ways are in regard of: 1) “justification,” 2) “the rigor thereof,” 3) “an ancillary power,” and 4) “the curse of the Law.” Gouge meant by “an ancillary power” the Spirit’s work within “true believers” of taking away the corrupt inclination to do that which is forbidden and replacing it with a new disposition. Let the

In regard of justification, Act. 13. 39. The Law was first given to justifie observers thereof: but now in regard of mans corruption, that is impossible, Rom.8. 3. Gal. 3. 11. God therefore now hath appointed another meanes for that end, which is, Christ and faith in him, Act. 13. 39. Rom. 3. 28.¹⁰⁸

Likewise, John Maynard stated,

That Christ his satisfaction and righteousness is the full, perfect, and only cause of justification and pardon of sin, and that no holiness, no duties of the persons justified, do help any thing at all towards their justification; it is the Righteousness of Christ imputed to them, which maketh up the whole matter of their Righteousness in the sight of God, and covereth all their sins.¹⁰⁹

In the Covenant of Grace, the Covenant of Work's curse of death in all its forms is endured by Christ on the believer's behalf. It is only by Christ shedding his blood unto death to accomplish an effectual atonement that this curse can be removed from a guilty sinner standing in Adam under the Covenant of Works.¹¹⁰ In the Covenant of Works, the first Adam is charged with keeping the Law perfectly but fails. Under the Covenant of Grace, Jesus Christ stands as the Second and Last Adam, who underwent the Covenant of Works and succeeded in keeping the law perfectly on behalf of his elect people.¹¹¹ His perfect keeping of the Moral Law and all the added positive laws God instituted under Moses are imputed to all who believe in Jesus Christ by faith alone.¹¹² By imputation of the active and passive obedience of Jesus, the elect are reconciled and redeemed.

reader be aware that Gouge's use of "justification" does not imply prior sin in the life of Adam before his violation and sin concerning the fruit. Adam was upright and holy in every regard. Justification after Adam's temptation and Fall now of necessity means a person, who before was a sinner is now declared innocent and righteous. In the sense that Gouge uses it above, it can only mean that he would have been affirmed in his obedience and justly deserving of the promised reward had he not sinned. Gouge, *Hebrews*, 7. Sect. 70, p. 172.

¹⁰⁸ Ibid., 7. Sect. 70, p. 172. This distinction in the use of the law is the starting point of the dialogue in the *Marrow of Modern Divinity* where the "law of works" is contrasted with the "law of Christ." Fisher, *Marrow of Modern Divinity*, 4.

¹⁰⁹ Maynard, *LGR*, 11-12. Comp. Rivetus, *SPT*, vol. 2, Disp. 27.4, where Rivetus stated the acts of Christ before his capture and death are referred to by others as "pre-passions" and they "could and should be included" as part of Christ's whole obedience. The logic of the argument entails the efficacy of the atonement resting on the power of a sinless life, not simply the suffering and death of an individual. (Cf. 2 Cor. 5:21; Heb. 4:15, 7:26; 1 Jo. 3:5; 1 Pet. 2:22, 24; Isa. 53:11). Even amidst the excruciating pain and torment of his Passion, Christ was sinless and never once engaged in an inordinate emotion. Cf. Ibid., vol. 2, Disp. 27.9 and FN #12.

¹¹⁰ *WLC* Q. 152, 153. Cf. Burgess, *VL*, 218.

¹¹¹ *WLC* Q. 31.

¹¹² *WSC* Q. 33. Adam had but one positive law added to the Moral Law, that which pertained to the Tree of Good and Evil. Christ had a multitude of positive laws that must be kept, most of which stemmed from the

Christ's active obedience refers to his perfect obedience to the law, and his passive obedience entails his enduring the curse of the Law by the shedding of his blood unto death on the cross.¹¹³ Both the active and passive obedience of Christ satisfy the roles of the Moral Law in the Covenant of Works. As R. C. Sproul stated in his exposition of the *Confession*, "The covenant of grace does not annihilate the covenant of works; rather, God agrees to save us on the basis of someone else's fulfillment of the covenant of works, rather than our own."¹¹⁴ Both are required in the Covenant of Grace for satisfaction and justification of all who are to be saved. Both are imparted to God's Elect by the same covenantal means of imputation as was Adam's guilt under the Covenant of Works.¹¹⁵

WLC Q. 97, speaks of those who are regenerated and "beleeve in Christ" as being "delivered from the Morall Law as a Covenant of works."¹¹⁶ In this sense, deliverance from the Covenant of Works is a deliverance from the curse of eternal death as a consequence of breaking God's law or as a means of justification. Thus, Moral Law's role as a curse of death has been removed from the regenerate by Christ's having undergone the curse in their behalf.¹¹⁷ The good news of the gospel is that Jesus Christ, as "the last Adam," fulfilled the perpetual legal demands of the Moral Law by perfectly keeping it as a condition of life, and his death satisfied the

Ceremonial Law. The Apostle Peter refers to this abundant list of ceremonial precepts as a "yoke... that neither our fathers nor we have been able to bear." (Acts 15:10).

¹¹³ WSC 27, 33. Cf. *The Sum of Saving Knowledge* under Head IV, p. 435. The distinction of the active and passive obedience of Jesus was a debated topic (Cf. Fesko, *Westminster Standards*, 209-17). The active obedience is Christ's perfect law keeping and his passive obedience is his atoning death on the cross. It seems some did not care for the terms. The perception of the term passive in reference to Jesus' death could lead some to see him as simply a victim or martyr rather than one who purposely and actively laid down his life on behalf of his people (cf. Jo. 10:15-17). At one point Mr. Seaman, during the debate on justification and imputation, requested a parenthesis containing "his whole obedience." Nonetheless, the terms active and passive obedience were in use and employed during their debates on justification as seen within the *Minutes and Papers* of the Assembly as early as Session 46 on Sept. 5, 1643. Yet, the two terms are not found in the Westminster Standards but are found in *The Sum of Saving Knowledge*. Even then, only the term "active obedience" is used while "passive obedience" is omitted. Van Dixhoorn, *M&P*, vol. 1, 39, 43, see also FN #2 on p. 39.

¹¹⁴ Sproul, *Truths We Confess*, 413.

¹¹⁵ Cf. Rom. 5; 2 Cor. 5:21.

¹¹⁶ WLC Q. 97.

¹¹⁷ "Q. But we are not under the law, but under grace? A. We are not under the curse of it, [124] nor under it as it is the covenant of workes which saith, doe this and live: but as it as a glasse to shew us our spots and the rule of holy life." Richard Byfield, *A Candle Lighted at the Lampe of Sacred Scriptures. Or, A Catechisme Containing All Truths Fundamentall, and None but Fundamentals*. By Richard Bifield, Minister of Gods Word, and Pastor in Long Dutton (London, 1627), unnumbered page on image 15.

perpetual demands of the law required for its violation.¹¹⁸ Therefore, from the “first man Adam” until “the last Adam,” the perpetuity of Moral Law’s roles in the Covenant of Works and the Covenant itself was understood as remaining in full force.¹¹⁹

The question remaining is how one appropriates to themselves all Christ did in fulfilling the law as a condition of life and suffering the curse. The answer lies in the gospel message within the Covenant of Grace. This covenant differs from the first in that perfect works of the law are no longer a condition of life on the part of the believer. Instead, the condition of life is faith. As Bolton stated when comparing the two covenants, “the condition of the old Covenant was this, Do this and live, of the new, Believe and thou shalt be saved.”¹²⁰ Under the New Covenant, Christ and his perfect obedience and atoning death on behalf of the believer merits the promised reward of eternal life.¹²¹ Yet, it is the believer’s faith “receiving and resting on Christ and his righteousness” that is the “alone instrument of justification” that appropriates all Christ has merited on their behalf as the Second and Last Adam.¹²²

At this point, another error of the Antinomians enters the picture. Once the sinner had embraced the promise of salvation by faith alone in the person and work of Jesus Christ, they denied any remaining role for the Moral Law in that believer’s life.¹²³ In contrast, the Assembly repeatedly sought to refute this view. They declared that even though the Moral Law’s roles as it pertained to the Covenant of Works were abrogated for the believer, it still maintained its original purpose as a rule of obedience just as it was for Adam in innocence before the Covenant of Works. Therefore, its perpetuity demands it has a role in the believer’s life now standing in

¹¹⁸ Cf. *WLC* Q. 55 and 70. “the last Adam” 1 Cor. 15:45.

¹¹⁹ 1 Cor. 15:45.

¹²⁰ Bolton, *TBCF*, 142. *Westminster Annotations* used the exact phrases concerning the first and second covenants. *Westminster Annotations*, Mark 11:13.

¹²¹ *WCF* 8.4-5; 11.3.

¹²² *WCF* 11.2; 14.1. Comp. chapter three on faith, found in Ames, *Marrow*, 328.

¹²³ “the Antinomian presseth Libertinism: Believers may take more liberty to sin, and God sees no Sin in them: Thus, by crying up Justification, they destroy Sanctification.” Watson, *Body of Divinity*, 989.

the Covenant of Grace.¹²⁴ Accordingly, Westminster did not place law and grace in opposition. Instead, they perceived them as sweetly complying with each other.¹²⁵

Moral Law: Subservient to the Gospel

A synonymous way of saying the Moral Law sweetly complied with the gospel was to say that it was subservient to the gospel.¹²⁶ Similarly, Bolton stated, “[c]ertainly the Law and Gospel doe help one another, they lend one another the hand.”¹²⁷ Westminster’s understanding of how the Moral Law was designed to function in tandem with the gospel reveals what is meant by the phrase. The gospel is the message of salvation and hope within the Covenant of Grace. It is the message of reconciliation in and through the sinless life and atoning death of Jesus Christ. The glorious hope of the gospel is the deliverance from sin and death, and the Assembly’s view provides two ways in which the Moral Law is subservient to the gospel for that end. Those two ways are as a schoolmaster and as a means of sanctification.

Moral Law’s Perpetual Role in the Covenant of Grace: Schoolmaster

Under the Covenant of Grace, Moral Law as a schoolmaster drives the sinner to humiliation for sin and directs them to Christ for salvation.¹²⁸ This role is the Apostle Paul’s emphasis in Galatians 3:24 when, he refers to the Law as a παιδαγωγός. The *Westminster Annotations* explained this verse by stating,

the schoolmaster is the Law, both Moral and Ceremonial. For the Moral Law leadeth unto Christ by convincing us of sin, and denouncing the curse against it, shewing us thereby that if we desire to escape that curse we must flie to Christ for refuge, who hath redeemed us both from sin and curse; and the Ceremonial Law also brings us unto Christ; because the same not onely convinceth men of sin, but also exhibiteth types and figures

¹²⁴ Edward Leigh stated under his explanation of Christ’s salvation and the believer’s faith that “They are not delivered from the Law as a Rule...Christ died that we might have Grace to fulfil the Law, *Rom.* 8. 3, 4. *Phil.* 1. 21.” Leigh, *Body of Divinity*, 747.

¹²⁵ *WCF* 19.7.

¹²⁶ As Bolton stated, “The Law that is subservient to the Gospel, to convince and humble us, and the Gospel that inables to the obedience of the Law. The Law sends us to the Gospel for our justification, the Gospel sends us to the Law to frame our conversation; and our obedience to the Law is nothing els[] but the expression of our thankfulness to that God, who hath so freely justified us, *Lu.* 1.74.” Bolton, *TBCF*, 100.

¹²⁷ *Ibid.*

¹²⁸ “schoolmaster” is taken from Galatians 3:24 in the Geneva Bible which παιδαγωγός as “scholmaster” and the *KJV* as “schoolmaster.” Other translations use the words “tutor” (*NKJ, ASV, NAS*), “guardian” (*ESV, NIV*), or “custodian” (*RSV*).

of Christ and his benefits: and teacheth that whatsoever was shadowed out by them, was truly to be found in Christ, Heb. 9.10, 11.¹²⁹

This quote accords with the Standards because both the *Confession* and *Larger Catechism* refer to these uses of the Moral Law for the unregenerate.¹³⁰ In opposition, the Antinomian view held that only the gospel was to be preached to the unregenerate and not the law. Following the New Testament model, Westminster affirmed that the Moral Law, as subservient to the Promise, must first humble a person and reveal their need for Christ before the gospel is proclaimed.

In this way, the Moral Law is perceived as a Pedagogue or Schoolmaster in two respects. First, the Moral Law humbles the unbeliever by removing every intention of self-righteousness and self-justification before God, thereby driving them to rely on Christ. Secondly, the regenerate must still respond to the schoolmaster though now resting in Christ alone by faith. In this redeemed state, the Moral Law's condemning power over the regenerate is removed. Regardless, the Moral Law still has dominion "but only over the old man and sinning and lusting flesh."¹³¹ The legal dominion over this part of remaining corruption within the believer is "to chase the believer to a more strict closing with Christ and arguing and convincing him of too real and true sinning." The Moral Law's role of schoolmaster within the Covenant of Grace is a perpetual role continuing to the end of time. This role within the regenerate's life is a means of increasing sanctification, which leads to its second role within the Covenant of Grace.¹³²

¹²⁹ *Westminster Annotations*, Gal.3:24. See also their annotation on Deut. 27:26. Cf. Fisher, *Assembly's Shorter Catechism*, Q. 40.26; Q. 26. "The law is our Schoole-master to bring us unto Christ; he speakes of the same law of which he did before, which seems by the 22. Verse, to be the Morall Law: and how is this the Schoole-master, but by lashing us, humbling us for sinne, and driving us to Christ?" Bolton, *TBCF*, 123. Samuel Rutherford stated such was the purpose for God's imposing the law upon Israel at Mount Sinai: "for the end of the Lords pressing the Law upon them was to bring them under a blessed necessity to seek salvation in their true City of Refuge Christ Jesus, who redeemed them out of the spirituall bondage of sin." Samuel Rutherford, *The Covenant of Life Opened, or, A Treatise of the Covenant of Grace Containing Something of the Nature of the Covenant of Works, the Sovereignty of God, the Extent of the Death of Christ, The Nature and Properties of the Covenant of Grace: And Especially of the Covenant of Surety-Ship of Surety or Redemption between the Lord and the Son Jesus Christ, and the Seale of Baptisme* (Edinburgh: Printed by Andro Anderson for Robert Brown, and are to be sold at his shop, 1655), 60.

¹³⁰ *WCF* 19.6; *WLC* Q. 96.

¹³¹ Rutherford made this statement when referencing Luther's view. Rutherford, *Spiritual Antichrist*, 105.

¹³² *Ibid.*

Moral Law's Perpetual Role in the Covenant of Grace: Sanctification

Burgess magnified the gospel's excellence as the supreme remedy for sinners.¹³³ But when it came to the Moral Law as a rule of obedience for believers, he stated, "there cannot be a more excellent way of holiness, this being an idea and representation of the glorious nature of God."¹³⁴ Burgess understood, as did Bolton, that the image of God was reflected in the Moral Law and the Moral Law engrafted on the human heart at Creation was part of humanity's divine image-bearing. Accordingly, the more one conformed to the holiness of the Moral Law, the more they were conformed to the image of God in the process of sanctification.¹³⁵

In contrast, the Antinomians of the seventeenth century espoused no need for the Moral Law for those who had embraced Christ. For them, Jesus was the fullest expression of law, Scripture, obedience, punishment, etc. In him, all things were assumed, even the Moral Law. Antinomian, John Saltmarsh, believed that everything required of the believer was wholly satisfied and fulfilled in Christ. Consequently, the gospel, which promised Christ as the total of all the believer's needs, contained all that was required, and nothing else was or could be required of the believer.¹³⁶ By imputation, the believer has no need of repentance, sanctification, obedience, or punishment because Christ has done it all on behalf of the elect.¹³⁷ As Saltmarsh stated, "Christ hath believed perfectly, he hath repented perfectly, he hath sorrowed for sin

¹³³ Burgess, *VL*, 178.

¹³⁴ *Ibid.*

¹³⁵ *WLC Q. 75* asks, "What is Sanctification? A. Sanctification is a work of God's grace, whereby they, whom God hath before the foundation of the world chosen to be holy, are in time, through the powerfull operation of his Spirit applying the death and resurrection of Christ unto them, renewed in their whole man after the Image of God; having the seeds of Repentance unto life, and of all other saving graces put into their hearts, and those graces so stirred up, increased, and strengthened, as that they more and more die unto sin, and rise unto newness of life.

¹³⁶ "The Gospel is both a perfect *law* of life and righteousness, of grace and truth; and therefore I wonder at any that should contend for the *ministry* of the *Law* or *Ten Commandments* under *Moses*, which is of lesse glory then that which is now revealed and exceeds in glory; and should strive for a *Law* without the Gospel, which is in the Gospel; Nor is the *holiness* and *sanctification* now such as is fashioned by the *Law* or outward *Commandment*, but by the preaching of *faith*, by which the *Spirit* is given, which renews and sanctifies a beleever, and makes him the very *Law of Commandments* in himself, and his heart the very two *Tables of Moses*: And though the *Law* be a *beam of Christ* in *substance* and *matter*, yet we are not to live by the *light* of one *beam* now when the *Sun of righteousness* is risen himself; that was a fitter light for those who lived in the region and shaddow of death: And it is with the *Law* now or light of righteousness, as it was with the light in the Creation, when that which was scattered, was gathered into one body of light: So Christ now being revealed, holiness and righteousness, as well as grace and love, is revealed in him, and gathered up in him. And what need we light up a Candle for the children of the day to see by?" John Saltmarsh, *Free Grace, Or, the Flowings of Christs Blood Free to Sinners Being an Experiment of Jesus Christ upon One Who Hath Been in the Bondage of a Troubled Conscience ... / by John Saltmarsh* (London: Printed for Giles Calvert, 1646), 146–47.

¹³⁷ *Ibid.*, 84. Cf. *WCF* 13.1-3; Rutherford, *Spiritual Antichrist*, 82.

perfectly, he hath obeyed perfectly, he hath mortified sin perfectly, and all is ours, and we are Christs, and Christ is Gods.”

It is what Saltmarsh failed to disclose concerning sanctification that is most troubling. Once he had set up his argument on page 83; he gave a nod to Scripture’s view of sanctification but only emphasized one side: the *positional* side of being in Christ. He ignored the *practical* side concerning the synergistic work, whereby the regenerate are to work out their salvation in fear and trembling, walk in a manner worthy of their high calling, and discipline themselves for godliness as a part of one’s sanctification.¹³⁸ Such arguments vexed assembly members like Bolton, who were displeased that Antinomians only appealed to the texts which appear to speak of the law as abrogated but ignored Scripture’s imperatives requiring obedience to the law.¹³⁹ For Saltmarsh, the throne of the conscience had no room for God’s Moral Law. The only Christ he allowed was one whose only rule was a gutted gospel and a standardless Spirit, devoid of the Moral Law as a means of sanctification.

Westminster saw this Antinomian doctrine as harmful because a kernel of truth was embedded in a field of lies. Yes, Christ had both kept the law and suffered the curse, yet, that in no way negated the rule of obedience ascribed to the Moral Law.¹⁴⁰ Those in the Covenant of Grace were saved from sin unto holiness. Yet, apart from Moral Law, holiness has no meaning. The Assembly did not deny Jesus’s full deity in accord with Colossians 2:9 or that he was the very brightness and radiance of divine glory, as stated in Hebrews 1:3.¹⁴¹ Nor did they deny that Jesus had fulfilled God’s law in every detail. Yet, they did hold that even though a believer was in Christ, they still needed the Moral Law as a rule of obedience to direct them in that converted state.

The law’s curse was gone, but the law in the hand of Christ as the perpetual rule of life and holiness could never be abolished. The Covenant of Grace, with its promise of regeneration, forgiveness of sins, union, and communion with God in and through Christ, did not relieve the

¹³⁸ Phil. 2:12; Eph. 2:10, 4:1; 1 Tim. 4:7.

¹³⁹ Bolton, *TBCF*, 63-68.

¹⁴⁰ Cf. p. 127, “FN #4 above and the error John Flavel addressed concerning the Antinomians view of imputation. That error is doubtless a root of this error. For a person perfectly and inherently sinless does not need sanctification.

¹⁴¹ *WCF* 2.3; See esp. 8.4-8. *Westminster Annotations*, Col. 2:9, Heb. 1:3.

believer of their obligation to avoid sin and walk in holiness. Rather, for Westminster, the gift of salvation increased that obligation instead of relaxing or removing it.¹⁴² Such obedience is carried out in gratitude by the indwelling Spirit's power, and not as a means of justification.¹⁴³

The final paragraph of *WCF* chapter 19 states,

Neither are the forementioned uses of the law contrary to the grace of the gospel, but do sweetly comply with it; the Spirit of Christ subduing and enabling the will of man to do that freely and cheerfully which the will of God revealed in the law requireth to be done.¹⁴⁴

This paragraph sought to convey the harmony between Moral Law and the gospel. The perceived tension between Law and Grace spurred Carter to declare,

It is true, the Law to man in the state of Innocency, before the Gospel was added, was a covenant of works; but ever since, both to them before, and to us after Christ, the Law hath been as it were incorporated with the Gospel, as thereby become part of the Covenant of grace.¹⁴⁵

For Carter and the Assembly, there was no animosity between law and gospel when viewed in their proper place within the Covenant of Grace. When people misuse and pit them against one another, they appear to be in opposition. As the Spirit of God has ordained and purposed them, they are in perfect harmony. Thus, the law is misused when sought as a means of justification or denied as a means of sanctification.¹⁴⁶ As Bolton noted, "The law sends us to the Gospel, that we may be justified, and Gospel sends us to the Law again to inquire what is our duty being justified."¹⁴⁷ Those who set law in opposition to gospel devalue Christ and the grace found only in him and they instead highly esteem their own merits of law-keeping. Therefore, Burgess stated that such an erroneous view,

¹⁴² "the Morall Law is perpetuall and *immutable*, this is an everlasting truth, that the *creature* is bound to worship and *obey* his Creator, and so much the *more* bound, as he has *received* the *greater* benefits." Bolton, *TBCF*, 76.

¹⁴³¹⁴³ "Is the Moral Law the same thing with the Covenant of Works, and imposed for the same ends? A. God never sedigned the Law to be the way of Man's Justification since the Fall. Gal. 3. 21, 22." Flavel, *Exposition of the Assemblies Catechism*, Q. 40, q. 6, p. 103.

¹⁴⁴ *WCF* 19.7.

¹⁴⁵ Carter, *Covenant of God*, 92-93.

¹⁴⁶ Burgess noted how the use of the Moral Law for the purpose of justification was a much disputed point between Protestants and Roman Catholics. Burgess, *VL*, 12. Further down he made the statement that, "When they look for justification by it: and this is a dangerous and desperate errour; this is that which reigneth in Popery, this is that inbred canker-worm, that eateth in the hearts of all naturally. They know not a Gospel-righteousnesse, and for this end they reade the Law, they heare it preached onely, that they may be self-saviours." Burgess, *VL*, 20.

¹⁴⁷ Bolton, *TBCF*, 98.

is the reason, why Papists and formall Christians never heartily and vehemently prize Christ, taking up every crumb that falls from his table: they are Christs to themselves, and self-saviours. I deny not, but the preaching of Christ, and about grace, may also make us prize grace and Christ.¹⁴⁸

The means of growing in holiness and righteousness, which is another way of saying being sanctified, is the believer, by faith, living according to the precepts of the Moral Law out of a heart of gratitude, not self-justification. For once saved by grace apart from the law, the law becomes the guide and path the believer walks. In this subservient way, the Moral Law is perceived as sweetly complying with the gospel and not in any way opposed to it.¹⁴⁹ Like Bolton, Carter contrasted the alteration of the law's role from the Covenant of Works to the Covenant of Grace by stating, "[I]n the covenant of works, the Law was Do this and live; but in the covenant of grace, it is Do this in the strength of Christ and live."¹⁵⁰ In the Covenant of Grace, no longer is the Moral Law the means of justification; instead, it is the way of life for the justified.

Sadly, those professing to be regenerate and seeking purposely to walk according to the Moral Law were referred to as legalists by many who were Antinomian. The Assembly abhorred this claim on two fronts. First, theologically speaking, the legalist sought to be justified by law-keeping. The idea of legalism was more appropriately associated with justification, not sanctification. In other words, it pertained to the misuse of the law for a meritorious standing before God apart from or in conjunction with Christ's work of redemption.¹⁵¹ Such a view was perceived as an attack on the gospel message of salvation, that message being salvation by faith in Christ alone apart from one's own works of the law.

Secondly, true believers seeking to walk in holiness as a part of their sanctification were accused by Antinomians as demonstrating that they were not true believers but still under the law

¹⁴⁸ Burgess, *VL*, 10-11.

¹⁴⁹ "There is this remarkable, that though the former Tables were broken, yet now God enters into a Covenant of grace with them, as appeareth by proclaiming himself long-suffering, and gracious; but yet God causeth the ten Commandments to be written again for them, implying, that these may very well stand with a Covenant of grace, which opposeth the Antinomian." *Ibid.*, 161-162.

¹⁵⁰ Carter, *Covenant of God*, 95.

¹⁵¹ Caryl, *Nature and Principles of Love*, 164f, (note the errant pagination with pages 164f repeating again after page 169).

rather than under grace. Consequently, the Assembly added the following sentence to the end of paragraph 6 in chapter 19 of the *Confession*,

The promises of it [the Law], in like manner show them God's approbation of obedience, and what blessings they may expect upon the performance thereof, although not as due to them by the law as a covenant of works: so as a man's doing good, and refraining from evil, because the law encourageth to the one, and deterreth from the other, is no evidence of his being under the law, and not under grace.

This quote concludes the longest paragraph in chapter 19 on the Law. The words serve as the pastoral exhortation concerning the law's uses in the life of the regenerate. The importance of this paragraph as a whole regarding the Antinomian controversy cannot be overstated. Notice how Bolton described the Antinomian view, which denied the law as a means of sanctification,

This blames them who are called *Antinomians*. [Vse. 2] As the *Papists* doe *set up* the law for *Justification*, so these cry downe the law for *Sanctification*: wee say wee are freed from the *curses*; they would have us freed from the *conducts*, from the commands of the law: wee say wee are free from the *penalties*, but they would abolish the *Precepts*, &c. They tell us we make a false mixture together of Christ and Moses, and wee mingle Law and Gospel together. How unjustly this charge is cast upon us, let understanding men judge.¹⁵²

Bolton's use of "curses" and "penalties" represented the Covenant of Works and its complete obligation to the law and the curse of death pronounced for the slightest breach.¹⁵³ These words are set in contrast to "conducts," "commands of the law," and "Precepts" which represent the Moral Law as a rule of obedience that perpetually binds all humanity.¹⁵⁴ The emphasis is the perpetuity concerning the uses and precepts within the bi-covenantal arrangements of Works and Grace. The perpetual roles of the Moral Law differ from one covenant to the other. Thus, the regenerated person who has moved from the Covenant of Works to the Covenant of Grace must be aware of the different perpetual roles or uses the Moral Law has within that covenant.

The Law is made a rule of holiness in life, to those that are justified without works of the Law, and this by the Authority of Christ, who hath for us satisfied it as a Covenant, and now ratified it as a Rule to us; we cannot live justified by it, we must live sanctified to it.¹⁵⁵

¹⁵² Bolton, *TBCF*, 98.

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ Maynard, *LGR*, unnumbered page under the summation of chapter VIII.

Moral Law in the Hand of Christ: Matthew 5:17

According to Bolton, many had fabricated “corrupt readings” and “sinister interpretations” of Christ’s words in Matthew 5:17.¹⁵⁶ Therefore, it was common for theologians to clarify and affirm what Jesus meant when he stated he had not come to abolish the law but to fulfill it. Bolton agreed that Jesus was “the end of the Law, as the Apostle speaks, *Rom. 7.14.*” He is “the *perfecting* and consummating end, not the *destroying* and abolishing end thereof; the Law had an *end of perfection* and consummation in Christ, not an *end of destruction* and abolition.” As Bolton understood Matthew 5:17, “Christ gives a stricter exposition of the Law, and vindicates it from the corrupt glosses of the Pharisees, which surely speaks the continuance, not the Abrogation of it.”¹⁵⁷

Likewise, Burgess stated, “Jesus Christ (setting aside the positive precepts of Baptisme and the Lords Supper, &c.) commanded no new duty, but all was a duty before, that is now.”¹⁵⁸ Thus, Burgess saw Jesus as interpreting rather than adding new laws.¹⁵⁹ His explanation was that Jesus

came not to teach them any new duty, to which they were not obliged before; onely he would better explicate the Law to them, that so they might be sensible of sin more then they were, and discover themselves to be fouler, and more abominable then ever they judged themselves.”¹⁶⁰

Their understanding of the Moral Law in the hand of Christ in the Covenant of Grace was not some new law developed by Jesus as a new Moses. Instead, it is the same Moral Law as a rule of obedience that stands perpetually binding. Burgess unapologetically affirmed that the Moral Law, as a rule, pertained to Christians,

The Law as you have heard, may be considered either absolutely, as a Rule, or relatively, as a Covenant: We are handling of it in the first consideration, and have proved, that, as it was delivered by *Moses*, it doth belong to us Christians.¹⁶¹

¹⁵⁶ Bolton, *TBCF*, 80.

¹⁵⁷ *Ibid.*, 80-81.

¹⁵⁸ Burgess, *VL*, 177.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*, 174. For more reading on how the Moral Law is subservient to the Gospel and binding on Christians, see Bolton, *TBCF*, 76-77, 108-26.

Burgess's words may appear to contradict Bolton's because he emphatically stated that "we have now nothing to do with the *Promulger* Moses."¹⁶² Bolton said that we now have nothing to do with Moses, not the Moral Law, which he affirmed to stand in abiding force as a rule of obedience. Bolton spoke of Moses's Ceremonial and Judicial laws whose "circumstances...were but temporary and changeable" and were abrogated. Bolton purposely sets those temporary precepts in contrast with the "Morall and Eternal" law that "cannot be abrogated."¹⁶³ Similarly, Lightfoot did the same when he stated,

When the Ceremonial and Judicial Law have thus brought us to Christ, we may shake hands with them and farewell, but for the Moral, as it helps to bring us thither, so must it help to keep us there. For Christ came not to disannul this Law, but to fulfil it. He does not acquit us from this, but furthers us to the keeping of it. What else is the Gospel, but this in milder terms of Faith and Repentance: which is, since we cannot keep this Law, yet to strive to keep it as we can, and to repent us for that we have not kept it, and to rely upon his merits that hath kept it for us. Thus as love to God and to our neighbours was the sum of the Old, so true faith and unfained repentance is the total of the New.¹⁶⁴

These theologians distinguished between the perpetual Moral Law and Moses's temporal Ceremonial and Judicial Laws. They interpreted Jesus's words as only substantiating that which was moral and of continued binding authority. Although no longer under its curse, the believer is still bound by the Moral Law as the holy and righteous standard to which they are to conform as a means of sanctification. Nor did the Assembly see Christ removing the Moral Law and

¹⁶² Bolton, *TBCF*, 75. On the same basis, Rutherford argued "he that will keep one judicial law, because judicial and given by Moses, becomes debtor to keep the whole judicial law, under pain of God's eternal wrath." Bolton and Rutherford argued against such men as Erastus and Carolosladius who taught that the whole Judicial Law and its penal sanctions were to be kept. Samuel Rutherford, *The Divine Right of Church-Government and Excommunication: Or a Peacable Dispute for the Perfection of the Holy Scripture in Point of Ceremonies and Church Government; in Which the Removal of the Service-Book Is Justifi'd, the Six Books of Tho: Erastus against Excommunication Are Briefly Examin'd; with a Vindication of That Eminent Divine Theod: Beza against the Aspersion of Erastus, the Arguments of Mr. William Pryn, Rich: Hooker, Dr. Morton, Dr. Jackson, Dr. John Forbes, and the Doctors of Aberdeen; Touching Will-Worship, Ceremonies, Imagery, Idolatry, Things Indifferent, an Ambulatory Government; the Due and Just Powers of the Magistrate in Matters of Religion, and the Arguments of Mr. Pryn, in so Far as They Side with Erastus, Are Modestly Discussed. to Which Is Added, a Brief Tractate of Scandal ... / by Samuel Rutherford, Professor of Divinity in the University of St. Andrews in Scotland* (London: Printed by John Field for Christopher Meredith at the Crane in Pauls Church-yard, 1646), 494.

¹⁶³ Bolton, *TBCF*, 75. Later in his work, Bolton affirmed the Moral Law as a perpetual rule of obedience established by faith but not as a means of justification: "And agreeable to this place is that of the Apostle, which speaks the same language, *Rom. 3.31. Doe wee make void the Law through Faith? God forbid, yea, wee establish the Law. How? not for justification; for so Faith makes it void, but as a rule of obedience, and so Faith will establish it. The Apostle tells us, Rom. 7.13, 22, 25. That the Law is holy, iust, good, and he delighted in the Law of God, &c. Yea with his minde hee served the Law of God. So James 2.8. If you fulfill the royall law of libertie, ye do well, and what law that was, he shewes in the 11 verse, to be the Decalogue or the Morall law. 1 John 2.4. He that saith I know him and keepeth not his Commandments, is a lier. 1 John 3.4."* *Ibid.*, 81-82.

¹⁶⁴ Lightfoot, *Works*, 1030.

replacing it with a *law of Christ* or a *law of love* somehow disconnected from the Moral Law.

As Burgess stated,

We are troubled, that any can be quiet in their duties, and performances; and do not cry out, None but Christ, None but Christ. All this we pleade for, and preach; only we hold the Law as a rule still to walk by, though not a Covenant of works to be justified by.¹⁶⁵

Burgess noted that those who engage in their duties should never rest in themselves for justification but cry out that none of their works but only Christ's are sufficient for their justification. Concerning their daily conduct and relations, the Moral Law as a rule of obedience still binds and directs them. All of these members simply replicated what the *Westminster Annotations* affirmed when under Jeremiah 31:33, they stated,

He doth not say, I will prescribe them another Law, as if the Law of the two Tables were now to be utterly abandoned and abolished, and some other precepts substituted in the room of them. For our Saviour himself enformeth us, that he came not to dissolve it, or the least tittle of it; and not onely openeth and cleareth much of it, but presseth still the observation of it, as necessary and perpetual, Matth. 5.17-20, &c.¹⁶⁶

This view stood in stark contrast to the Antinomians and Anabaptists who replaced the Moral Law entirely or pleaded for some new standard of their own making, whether it is called a law of faith, law of Christ, law of grace, or a law of love. Whatever one called it, if it was not consonant with God's Moral Law, then it was invalid. To those who said, "we are freed from the Law, as given by Moses, and are only tyed to the obedience of it, as it is given by Christ;" Bolton replied, "[a]cknowledge the morall law as a rule of obedience and Christian walking, and there will be no falling out, whether you take it as promulgated by Moses, or as handed to you, and renewed in Christ."

One exposition of the *Westminster Shorter Catechism* tackled this issue in a different method. William P. MacKay stated,

The law is 'summarily comprehended' that is to say, shortly stated, so as to be readily remembered in the ten commandments. But if we go over all the injunctions of Jesus in the New Testament, some of them far stronger than the ten commandments (such as 'Love your enemies,' Matt. V. 44), we find about 300 which the Christian, the saved man, ought to keep.¹⁶⁷

¹⁶⁵ Burgess, *VL*, 214.

¹⁶⁶ *Westminster Annotations*, Jeremiah 31:33

¹⁶⁷ William P. MacKay, *Notes on the Shorter Catechism* (London: Hodder & Stoughton, 27 Paternoster Row. Tract Society, 1889), 126.

Here we see that Mackay has not seen a reduction of Moral Law to some ethereal and emotional slop so many errantly refer to as love; rather, he has shown that the Moral Law, as summarized in the Decalogue, is in fact, expanded in the New Testament by Christ to include “about 300” additional moral precepts to guide Christians in their daily walk.¹⁶⁸

Chastisement versus Curse

In light of the above understanding of Moral Law as law and covenant, Bolton was moved to answer a perplexing question in light of the Antinomian’s misunderstanding of the law in the believer’s life. Since the believer is relieved of the Covenant of Works’ curse of the Moral Law, is there any penal sanction for the regenerate if they refuse to obey the Moral Law as a perpetual rule of obedience? This question became one of six Bolton addressed in his treatise. Whether a Libertine, who viewed themselves as sinless, an Antinomian who believed the obligation of the law no longer applied to them or just the ordinary, everyday regenerate person wrestling with their freedom in Christ, this question had to be addressed.¹⁶⁹ An apology is required because Burgess stated, “all Protestant Writers” deny “that a beleever is under the damnatory power of the Law” yet, Hebrews 12:6 speaks of God chastening his people.¹⁷⁰

Bolton began his argument by noting Hebrews 12:6 and how God does chastise his children lest they be considered “bastards and not sonnes.”¹⁷¹ Having begun to build his case with no less than five Old Testament texts, he illustrated by referencing how God punished the Jews “by the hand of Shishak, 2 Chronicles 12:6,” and that even the Jews’ admitted that they had been justly afflicted for their sins.¹⁷² Bolton argued that this illustration was soundly defensible

¹⁶⁸ Ibid.

¹⁶⁹ Comp. Edward Fisher who listed no chastisement of the believer for sin as one of six Antinomian errors. Fisher, *Marrow of Modern Divinity*, 198.

¹⁷⁰ Ibid, 279. An answer was requisite because Antinomian, John Eaton had declared that chastisements could not be associated with the regenerate. John Eaton, *The Honey-Combe of Free Justification by Christ Alone Collected Out of the Meere Authorities of Scripture and Common and Unanimous Consent of the Faithfull Interpreters and Dispensers of Gods Mysteries upon the Same, Especially as They Express the Excellency of Free Justification / Preached and Delivered by Iohn Eaton ..* (London, Printed by R. B. at the Charge of Robert Lancaster, and are to be sold in Popes-head Alley, 1642), chapter 7.

¹⁷¹ Bolton, *TBCF*, 163.

¹⁷² Lamentations 3:34, Micah 1:5, 7:9, 2 Chronicles 7:14 and Leviticus 26:41. Bolton, *TBCF*, 164. William Carter listed three New Testament texts where the believer is warned not to walk in disobedience to God’s commands based on the example of Israel in the Old Testament. In doing so, he explained that the New Testament ordinances or commandments are to be observed under penalties, both corporal and spiritual just as they were for Israel. “2 Cor. 10.1. *They were all baptizd, and did all eat the same spiritual meat, and did all drink the same spiritual drink, yet fell in the Wilderness for their lusting, for their Idolatry, Fornication, tempting God, and*

against those who opposed it on the grounds that it pertained to the “whole Church, and not of them alone who were godly.”¹⁷³ Bolton’s answer was simple. Yes, it was the “whole Church,” yet the godly were not exempted from performing the same duties of humbling themselves for sin as seen in the actions of both Daniel and Ezra.¹⁷⁴

Seeking to advance his argument, Bolton noted that individual saints were chastised for their sins. For example, Moses and Aaron were chastised for their sin by being “shut out of Canaan” and not allowed to “enter into the Land of Promise.”¹⁷⁵ David’s child dying as a chastisement for his sins of murder and adultery demonstrated the same. One reason Bolton chose these men, along with Hezekiah, was to silence those who argued that Israel was under a different covenant than the Covenant of Grace. Therefore, the analogy cannot be attributed to the regenerate under the Covenant of Grace.¹⁷⁶ For Bolton, it should be evident to all that these illustrious saints were not only under the Covenant of Grace but were also “in the covenant of grace” and as such, were “his children,” nonetheless, they “were chastised and afflicted for sinne.”¹⁷⁷

murmuring. Now (says the Apostle) *all these things happened unto them for examples,* and were written for our admonition, upon whom the ends of the world are come. Wherefore, let him that thinketh he standeth, take heed lest he fall, namely, as they fell. So *Psal. 95.* applied by the Apostle to us of the New Testament, *Heb. 3. & 4. Tempt not God, nor provoke him, as they did in the Wilderness, lest he swear against you in his wrath, as he did against them.* And this he speaketh to *beleevers,* (as hath been shewed) whom he calls *the people of his pasture, and sheep of his hand.* *Psal. 95. Holy brethren, pertakers of the Heavenly calling,* *Heb. 3.1.* whom also he supposeth to be in Christian Churches, *Heb. 13.7.* And we find that the profanation of the sacrament by the *Corinthians* was punished also by corporall sicknesse and death. *1 Cor. 11. For this cause many are weak and sickly among you, and many are fallen a sleep.* Therefore I say, the Law is a command to be observed upon penalties and rewards; onely to us his rewards and punishments are more in that which is spiritual, and less in things corporal, then they were to them.” Carter, *Covenant of God*, 93-94.

¹⁷³ Bolton, *TBCF*, 164.

¹⁷⁴ *Ibid.*, 165.

¹⁷⁵ *Ibid.* Cf. Num. 20:12.

¹⁷⁶ *Ibid.*, 168-71. Bolton also asserts that there are differing views concerning the Mosaic Covenant and how it relates to the Covenant of Works. It seems to this author that for Bolton, it was a subservient covenant of a mixed nature that, although through the republishing of the Moral Law via the Decalogue, was also a *restatement* of the Covenant of Works *but not a reinstatement* of it. It was not reinstated as a means of justification but was republished or restated for the purpose of being a terror to the conscience in order to drive the guilty sinner to the gospel for justification by faith, which was then set forth typically by means of the Ceremonial Law. This was not at all a deviant view but rather one that a great many others also held.

¹⁷⁷ *Ibid.*

A violation of the law is still a sin whether committed under the Covenant of Works or Grace.¹⁷⁸ There must be a legal standard to violate for an act to be considered a sin. The Moral Law continues as a perpetual rule of obedience under both covenants. Its binding authority remains over the regenerate and perpetually defines sin though they stand *under* and *in* the Covenant of Grace. As Burgess stated concerning the Moral Law,

disobedience to it is still a sin in the beleever: For there can be no sin, unlesse it be a transgression of a Law, as the Apostle *John* defineth sin. Now then, when *David* commits adultery, when *Peter* denyeth Christ, are not these sins in them? If so, is not *Dauids* sin a sin, because it is against such and such a Commandement?¹⁷⁹

Bolton moved to the New Testament to prove that God deals uniformly between the two Testaments as it concerns the chastening of his children. He appealed to 1 Corinthians 11:30 and the “sinne of prophaning the Lords Table, and an unworthy partaking of this Ordinance.” He showed how Paul explained to the Corinthian church that their sin concerning this ordinance had led to the “sickness, weakness, [and] death, which God had inflicted on them, and now reigned among them.”¹⁸⁰

All of this leads to the differentiation between punishment and chastisement. A chastisement, according to Bolton, was a “phrase peculiar to Saints, and the end is that they may not be condemned with the world.”¹⁸¹ Bolton hereby highlighted the difference between temporal and eternal sanctions. For the unregenerate, there remains the curse of eternal death. Yet, for the regenerate, that curse, having been fully unleashed on Jesus Christ as the vicarious substitute upon Calvary’s cross, has been entirely removed.¹⁸² As Carter framed it,

Therefore although we are punished for sin, yet not with eternal death, but with temporal punishments, whether corporal or spiritual; and that out of love to do us good, as from a Father; our state in Christ continues still. Therefore although we are bound by this Law as subjects of his Kingdome, yet we are free from the law in respect of that legal state, as

¹⁷⁸ *WCF* 6.5 states, “This corruption of nature, during this life, doth remain in those that are regenerated: and although it be through Christ pardoned and mortified, yet both itself, and all the motions thereof, are truly and properly sin.”

¹⁷⁹ Burgess, *VL*, 221.

¹⁸⁰ Bolton, *TBCF*, 172.

¹⁸¹ The minutes reflect that while the Assembly was in a debate pertaining to the curse of the law, the word “Afflictions” is purposely substituted for the word “Chastizements.” Van Dixhoorn, *M & P*, vol. 4, 258, Sess. 689, Sept. 3, 1646.

¹⁸² “First, that none of our sins shall be able to condemne us; Christ interposeth himselfe between us and wrath, that none shall be able to condemne us, Rom. 8.1.” Bolton, *TBCF*, 12.

under a covenant of works. Because however we are punished by Christ for sinne, yet the matter is wholly taken up by him in his Kingdom, and we are not carried out thence to be punished, or thrown to hell. Therefore are we free from the Law as to the eternal curse.¹⁸³

Therefore, the New Testament authors can encourage their readers by saying that there is now no condemnation for those who are in Christ Jesus, but instead, eternal life.¹⁸⁴ It is still the same Moral Law that identifies sin in the regenerate just as it does in the unregenerate but it cannot eternally condemn that sin in the regenerate. Yet, temporal punishments must include the commanded ecclesiastical sanctions against impenitent professors within the congregation of God's people.¹⁸⁵ If no penal sanctions could be leveled against the regenerate for violations of God's law, there would be a gross contradiction within the Word of God.

Nonetheless, the Moral Law remains as a perpetual rule of righteousness and obedience; therefore, its perpetually binding nature still includes the regenerate. It *directs* the regenerate, though it cannot *damn* them; it *corrects* though it can no longer *condemn* them.¹⁸⁶ Bolton assured his readers that all agreed that the regenerate were freed from eternal punishments.¹⁸⁷ Yet, even as it concerned temporal afflictions, there could be no wrath in them for the regenerate.¹⁸⁸ For Bolton, one must discern and differentiate all those "miseries, calamities, afflictions, and punishments which are the fruits of sin, so far as they have wrath in them."¹⁸⁹ This difference is the litmus test for a proper distinction as Bolton understood it. As it pertains to the regenerate in the Covenant of Grace, the wrath of God has been fully extinguished. All that remains is the Father's eternal love, and that love is at times expressed in a fatherly fashion of

¹⁸³ Carter, *Covenant of God*, 95-96.

¹⁸⁴ Cf. Rom. 8:1 and John 3:15-16.

¹⁸⁵ See *WCF* 30 entitled "Of Church Censures." See also Matthew 18:15-18; 1 Corinthians 5:1-13; 1 Timothy 5:20.

¹⁸⁶ In opposition to Antinomians, Bolton stated, "wee say wee are freed from the curses; they would have us freed from the conducts, from the commands of the law: wee say wee are free from the penalties, but they would abolish the Precepts... The law sends us to the Gospel, that wee may be justified, and the Gospel sends us to the Law again to inquire what is our duty being justified." Bolton, *TBCF*, 98. In another place he stated, "I must tell you, that the Law in its directive power doth remaine to us. And this must needs be plaine from Galathians 3.17." *Ibid.*, 46.

¹⁸⁷ *Ibid.*, 16.

¹⁸⁸ *Ibid.*

¹⁸⁹ *Ibid.*, 14.

temporal correction for the good and protection of his children.¹⁹⁰ The distinction is in the *end* or *purpose* of God's afflicting. For the unregenerate, it is wrath poured out as a just consequence of sin and is a penal sanction flowing from "vindictive justice."¹⁹¹ For the regenerate whom Christ has interposed himself and assumed the wrath their sins deserve, it is "medicinal to cure us of sinne" and flows from a "fatherly mercy."¹⁹²

This view sets forth the perpetuity of the Moral Law as a rule of obedience under both covenantal arrangements but with grave distinctions. For the unregenerate, the curse of the Moral Law, standing with the force of the Covenant of Works, strictly condemns them and demands God's justice fall upon them for every infraction of its strict and strenuous commands. Yes, they stand guilty of Adam's original sin, but they also stand guilty of their actual sins flowing from their corrupt natures.¹⁹³ For the regenerate standing in the Covenant of Grace, the Moral Law directs them according to the original design of holiness and righteousness that governed Adam in innocence as an image-bearer of God. This rule of obedience is the same immutable standard of holiness to which every regenerate person is to conform as one who is being renewed in Christ's image as a means of sanctification. This chastening for sin is a part of that sanctifying process whereby God humbles them for sin and continues to grow them in holiness according to that eternal life for which they are destined. Although the Moral Law's roles change as it relates to the covenants in which it is incorporated, its perpetual demands as a rule of obedience are never altered.

¹⁹⁰ "God hath thoughts of love in all he doth to his people: the grounds of his dealings to us is love, though the occasion may be sin, the manner of his dealings are love, and the end of his dealings are love." *Ibid.*, 17.

¹⁹¹ *Ibid.*, 16.

¹⁹² *Ibid.* Cf. *WCF* 30.3. If there is no wrath in them, then why does God inflict his people with chastisements for sin and in what way are such chastisements to be considered medicinal? In an attempt to answer such inquiries, Bolton offers five reasons why God must chasten his children who obstinately refuse to walk in obedience to the Moral Law as a perpetual rule of obedience: 1) God may do it for the terrour of wicked men, that they may read their destiny in the Saints miseries. If it be thus done with the green tree, what shall become of the dry tree? if it thus befall the Sheep of Christ, what shall become of Wolves, or Goats? If he deale thus with friends, what shall become of enemies? If judgement begin at the house of God, where shall the wicked appeare? 2) For the manifestation of his justice, that he might declare to the world that he is just: if he should punish others for sinne, and spare his own, wicked men would say he were partiall. 3) To remove scandall. The sinnes of the Saints, they bring scandall upon Religion, their sinnes are the sinnes of publique persons, every one stands for many. 4) For Caution to others: others woes should be our warnings; others sufferings, our sermons; and standing sermons to us to beware of the like. 5) For their owne good here, and furtherance of their salvation hereafter... God doth chastise us to make us partakers of his holinesse here; of his glory hereafter. Bolton, *TBCF*, 185-88. (Bolton's list is abbreviated by the author.)

¹⁹³ *WLC* Q. 25.

Conclusion

God first instituted the Moral Law as a rule of obedience, not as a means of acquiring eternal life. Its role as a condition of life came when it was incorporated into the Covenant of Works. The promised eternal life was the result of perfect obedience to the Moral Law and the positive command concerning the fruit of the Tree of Knowledge of Good and Evil. As a rule of obedience, the Moral Law preceded any covenantal form into which it was incorporated, but it also had particular perpetual roles within each covenant. Secondly, as a rule of obedience, the Moral Law continued in its perpetual binding force after any covenantal form is mollified or abolished. No covenantal form had the power to nullify the essence of sin as a violation of Moral Law. Therefore, sin is still considered sin in both the regenerate and the unregenerate. Thus, God still deals with sin in both but in different ways. For the regenerate, God's wrath in the curse of eternal death has been received in the person of Jesus Christ on the regenerate's behalf. Therefore, all that remains is fatherly displeasure addressed in the form of chastisement when they sin. The unregenerate, as spiritually dead and standing under the Covenant of Works in Adam, continue under the Moral Law's perpetual curse. If they die in that state, they will endure the eternal wrath of God in hell, which is what Scripture calls the second death.¹⁹⁴ Therefore, the Moral Law's preeminence is set forth by its divine purpose as a perpetual rule of obedience and its perpetual roles within the Covenants of Works and Grace. For Westminster, a clear understanding of these qualities of Moral Law was essential to a proper understanding of the gospel and the Christian life.

¹⁹⁴ *Westminster Annotations*, Rev. 20:6.

CHAPTER 6: PROOF-TEXTS

Even though Parliament called the Westminster Assembly amidst England's civil war and the two were aligned in that struggle; there were still points of contention between them. Parliament's authority may have summoned the Assembly, but as men of God, they were supremely under God's authority as directed by Scripture. One point of contention concerned the Scripture proofs for the *Confession of Faith*, and two reasons exist as to why those proof-texts are so crucial to this thesis. First, they are original source material chosen by the Assembly to defend their statements. Second, they are usually the first place one turns to when seeking to understand statements within the *Confession*.

The goal of this chapter is three-fold. The first is to note *the historical background* surrounding the existence of the original proof-texts within the *Confession*. The second is to examine *the Assembly's hermeneutical approach* for using them.¹ Third, a test case will be *conducted based on that hermeneutical approach* to see if it yields its intended end and, as a result, any insight for this thesis.

The Scottish commissioners were not necessarily concerned with the appended proof-texts. Having refused the offer to be assembly members, they felt free to leave after the *Confession of Faith* was completed. Therefore, before the Assembly began selecting proof-texts on January 6, 1646, Gillespie informed them on December 24 that some of the Scots were returning home. The following day, Robert Baillie and the "Lord Chancelour of Scotland came into the Assembly" to announce their departure and thankfulness to the Assembly.² The Scots' departure informs the historian that the proof-texts' final form was primarily the work of English divines.

As part of this herculean task, the Assembly ascribed three Scripture texts to the phrase in question. In contrast, some denominations have taken the *WCF* as their confession and altered,

¹ Hermeneutics is an interpretational method, in this context, as it pertains to the Bible.

² Van Dixhoorn, *M&P*, vol. 4, 378.

deleted, or added to these original three. Nevertheless, our concern remains the original three, which are:

1 Corinthians 5:7 - Purge out therefore the olde leauen, that ye may be a newe lumpe, as yee are vnleauened: for Christ our Passeouer is sacrificed for vs.³

2 Corinthians 6:17 - Wherefore come out from among them, and separate your selues, saith the Lord, and touch none vnclene thing, and I wil receiue you.⁴

Jude 23 - And other saue with feare, pulling them out of the fire, & hate euen that garment which is spotted by the flesh.⁵

The Assembly's Reluctance

Though duly accomplished, the Assembly was at first reluctant to annex Scripture proofs to their *Confession*. The “main draft” of the entire *Confession* was completed during Session 746 on Thursday morning, November 26, 1646.⁶ Revisions were made until Session 752 on Friday, December 4, 1646.⁷ At that time, a copy was sent to both Houses of Parliament. Upon receiving it on December 10, 1646, Parliament ordered 600 copies for “Parliamentary review.”⁸ Along with printing copies came a charge for the Assembly to produce proof-texts for the entire *Confession*.

December 10 was not the first time this order had come down from Parliament. Having completed and sent to Parliament the first nineteen chapter of the *Confession* on September 28, 1646, Parliament issued its first request for the proof-texts fourteen days later on October 12, however, the Assembly did not begin this arduous task until January 6, 1647.¹⁰ The Assembly's eighty-six-day neglect of Parliament's charge in this matter appears unique and demands further examination.

³ *GNV*, 1 Cor. 5:7.

⁴ *Ibid.*, 2 Cor. 6:17.

⁵ *Ibid.*, Jude 23.

⁶ Van Dixhoorn, *M&P*, vol. 4, 342.

⁷ For an example of later revisions following the first draft, see Sessions 747-48, 751-52, as examples. *Ibid.*, vol. 4, 344-49; 354-57.

⁸ *Ibid.*, vol. 4, 360.

¹⁰ Monday morning during Session 725, on October 12, 1646. *Ibid.*, vol. 4, 302-303; 314. The copy of the first nineteen chapters was sent to the House of Commons that day by Dr. Burgess, but a duplicate copy was sent to the House of Lords on Thursday morning, October 1, 1646. *Ibid.*, vol. 4, 304.

The Assembly's Efforts in Producing Proof-Texts

There is ample proof that the Assembly was not opposed to proof-texts and was earnest and diligent in its selection process once begun. Two sources provide insight into the Assembly's passion and tireless energy in deciding on an applicable proof-text. One source is John Lightfoot's singular record of the Assembly's first forty-four sessions concerning their work on the *Thirty Nine Articles of the Church of England*. These early sessions had nothing to do with proof-texts for the *Confession*, yet, as each of the first fifteen articles was meticulously debated, Scriptural support was demanded by the Assembly and discussed.¹¹ These debates came long before Parliament's charge to place proof-texts in the *Confession*.¹² One sees how painstakingly these men scrutinized every text put forth apart from Parliament's order. Doubtless, the formal records of this process aided the Assembly once they officially began their work of appending proof-texts.¹³

The second source is from the Assembly's formal minutes. According to their procedural rules, once an article was framed and properly debated, the next stage was to discuss the proper Scripture proofs. Upon beginning the second stage, the focus was solely on the proof-texts, not the article.¹⁴ A clear example of this procedure is the Assembly's formal minutes during Session 57, where the scriptural support for Article 11 is debated.¹⁵ The recorded data, although abbreviated, records committee members' names, objections, and a timeline concerning the *Confession's* proof-texts. Still, one can perceive the Assembly's diligence in providing Scripture proofs.

¹¹ On Wednesday, July 12, 1643, Lightfoot's notes stated, "This morning the Assembly met, when the Chaireman of the first Committee reported the proceedings of that Committee: Whereupon there fell a great debate: for they having not alledged any places of scripture for the clearing & vindication of those Articles wherewith they were intrusted[,] it came to this question[:] Whether in our proceeding upon all the Articles, we should produce Scripture for the clearing of them, which held debating all the forenoone, but at last was resolved Affirmatively." Van Dixhoorn, *Reforming the Reformation*, vol. 2, 6. That the debate took time indicates there was opposition to it.

¹² For more discussion on the process see Van Dixhoorn, *M&P*, vol. 1, Appendix 9, 200-201 and Baillie, *Letters*, vol. 2, 109.

¹³ Van Dixhoorn summarized Session 763, Dec. 28, 1646, as "the assembly revisited its revisions of the Thirty-nine Articles and appointed a committee to present the scriptural proofs used for each article." Van Dixhoorn, *M&P*, vol. 4, 384.

¹⁴ *Ibid.*, vol. 2, 27.

¹⁵ *Ibid.*, vol. 2, 130-35.

The dates demonstrate that the Assembly delayed obeying Parliament's order for proof-texts for almost three months. Westminster's delay is strange, seeing they had already labored so intensely over scripturally defending every statement within the *Confession*. Several reasons are suggested as to why they postponed the task.

Robert Baillie: The Retarding Party & Parliament's Practice

One reason is that some members of Parliament sought to interrupt the Assembly's work. According to Stephen Pribble, Robert Baillie was skeptical of some Parliament members' motives for requesting the proof-texts.¹⁶ Pribble stated this "action appears to have been a stall tactic." He referenced one of Baillie's letters dated April 25, 1645, addressed to Mr. William Spang, stating, "[T]he most part of the House of Commons are downright Erastians."¹⁷ Pribble continued to build his case by quoting another of Baillie's letters dated January 26, 1647. There Baillie stated the *Confession* was complete, in print, and was

much cried up by all, even many of our greatest opposites, as the best Confession yet extant...Howbeit the retarding partie hes put the Assemblie to add Scriptures to it...This innovation of our opposites may well cost the Assemblie some time, who cannot doe the most easie things with any expedition."¹⁸

Pribble concluded that Baillie identified the Erastians in Parliament as the "retarding partie" who formulated the idea to delay the Assembly's progress.¹⁹ This conclusion is aided by the fact that Baillie referred to the process of appending Scripture proofs as an "innovation" that would cost the Assembly time. In this context, "innovation" appears to carry a disparaging intent by promoting the idea of novelty.²⁰ The perceived novelty seems strange because other contemporary works had proof-texts. As Bower noted, the Assembly was well aware of printed

¹⁶ Stephen Pribble, *Scripture Index to the Westminster Standards* (Dallas, TX: Presbyterian Heritage Publications, 1994), 4–5.

¹⁷ Baillie, *Letters*, vol. 2, 265. The Erastians sought to bring the church under the power of the state. Baillie, as a Scottish commissioner, and thoroughly Presbyterian in his views, would have objected to such a view seeing he held to distinct governmental spheres between church and state. There may have been many Erastians in Parliament but they were an extreme minority on the Assembly. The two members most referred to as Erastian are Thomas Coleman and John Lightfoot. For further reading on Erastians see William Maxwell Hetherington, *History of the Westminster Assembly of Divines*, 3rd ed. (Edmonton, AB, Canada: Still Waters Revival Books, 1991).

¹⁸ Baillie, *Letters*, vol. 3, 2.

¹⁹ Pribble, *Index*, 5.

²⁰ *Ibid.*

catechisms such as “Nowell’s larger catechism” that “often furnished marginal proofs.”²¹ Even Assembly member William Gouge had produced a short catechism whose second edition in 1616 possessed them.²²

Baillie also stated the Assembly omitted placing the Scripture texts in the *Confession* “only to eschew the offence of the House, whose practice hitherto has been to enact nothing of religion on divine right or scripturall grounds, but upon their owne authoritie alone.”²³ Baillie’s statement suggests that the Assembly sought to respect Parliament’s past practice of avoiding the appearance of acting according to divine right, an authority reserved for God and kings alone. Instead, they sought to enact what was only lawful to their jurisdiction in the religious realm.

The Assembly’s Stated Reasons for Reluctance to Provide Proof-texts

A third reason for the Assembly’s reluctance to carry out Parliament’s order resides among the assembly members. This reason provides a look into the Assembly’s mindset concerning their hermeneutical approach to the Scriptures as a body of theologians. Per the minutes, Van Dixhoorn summarized the Assembly’s proceedings of that Tuesday morning, October 13, 1646 once the first request was received from Parliament. The Assembly “explained that it cannot immediately or easily append scripture proofs to the confession.”²⁴ These words imply the problematic task of debating and finalizing scripture proofs to the entire *Confession* as it pertained to the deliberative processes of the Assembly, yet there is more at stake than procedural process.

John Bower clarifies what was meant by the Assembly’s defensive plea that the task would not be “immediately or easily” accomplished.²⁵ He provided three arguments by the Assembly against the proof-texts. First, there was never a reason to anticipate such a request

²¹ Bower, *LCCTI*, 42.

²² William Gouge, *A Short Catechisme, Wherein Are Briefely Laid Downe the Fundamentall Principles of Christian RELIGION. Needfull to Be Knowne of All Such as Come to the Lords Table. Whereunto Is Added Morning and Euening Prayer for a Family. The Second Edition, Corrected and Inlarged* (London: Printed by John Beale, 1616).

²³ Baillie, *Letters*, vol. 3, 2.

²⁴ Van Dixhoorn, *M&P*, vol. 4, 316. One of the minutes reads, “Mr. Palmer made report of the Answer to the House of Commons concerning the annexing of scriptures to the confession of faith and printing the same; it was debated & upon debate Assented too.” *Ibid.*

²⁵ Bower, *LCCTI*, 42-43.

from Parliament. This reason was grounded on the fact the *39 Articles of the Church of England* do not have Scripture proofs. Such a view accords with Baillie's referring to them as an innovation.

The second argument is related to the difficulty of the task. According to Bower, "The Assembly sounded a more pragmatic note, warning Parliament that,

every text now to be annexed must be not onely debated but also voted in the Assembly; and its free for every one to offer what Texts he thinks fit to be debated and to urge the annexing of Scriptures to such or such a branch as he thinks necessary, which is like to be a work of very great length.²⁶

This argument seems a fitting commentary on Ballie's statement of the difficulty with which the Assembly carried out its duties.

The third argument rested on the Assembly's desire to be consistent with their Scriptural hermeneutic. They held that "if the Scriptures should have been alledged with an cleernesse to shew where the strength of the proof lyeth, it would have required a Volume."²⁷ This argument deserves more discussion and is the focus of the following section.

Assembly's Intended Hermeneutic for Proof-Texts

Robert Letham gave a most intriguing explanation for the difficulty of providing Scripture proofs. He explained that there was a hermeneutical difference between Parliament and the Assembly. He argued that the Assembly's difference was "their wider view of the sense of Scripture, and the way the proof-texts were intended to function."²⁸ This difference led to a debate on October 13 which prompted Letham to state that these "proof-texts were put there

²⁶ Ibid., 43. Bower's second and third arguments have been purposely reversed with the intent of examining the second further.

²⁷ Ibid., 43. Bower cited the quote as "The Assembly of Divines in a letter to Parliament, October 13, 1646. MSS Nelson 22, ff. 56r-97v, Bodleian Library, Oxford. The letter is also reproduced in the *Glasgow Assembly Commission Records*, ed A. F. Mitchell, 2 vols. (Edinburgh: T&A Constable, 1892, 1896), 2:81-82." See FN #30.

²⁸ Letham, *Westminster*, 107.

reluctantly at the behest of Parliament.”²⁹ For the Assembly, this was not indifference to authority but rather a difference in methodology.³⁰

According to Letham’s view, the Assembly’s hermeneutic took on broader labor for the reader. They never intended a mere reading of the verse or verses provided. Instead, the Scripture proofs served “as indications of where to look in the writings and sermons of the Assembly members for support of the Confession’s teaching.”³¹ As such, these references became signposts for further study. That study was to be in faithful works that expounded those Scripture texts. The expositions provided the “wider view and sense of Scripture” needed to accord with the Assembly’s methodology and theology.

This methodology was essentially the outworking of their stated hermeneutic in chapter one, paragraphs six and nine of the *Confession*. Paragraph six speaks of those things necessary for God’s glory and “man’s salvation, faith, and life” being “expressly set down in Scripture, or by good and necessary consequence” deduced from it.³² This last phrase concerning logical deduction and inference is of importance. If the Assembly made a confessional statement by means of logical deduction, then there may be no explicit proof-text to reference. This statement alone adds credence to their methodological approach.³³ *WCF* 1.9 declares the hermeneutical rule that,

The infallible Rule of Interpretation of Scripture is the Scripture itself: and therefore, when there is a Question about the true and full sense of any Scripture (which is not manifold, but one) it must be searched and known by other places that speak more clearly.”³⁴

Consequently, for the Assembly, the whole of Scripture must speak to the meaning of the doctrinal statement and not merely a few cherry-picked references. These principles of interpretation were included in the first nineteen chapters sent to Parliament long before they

²⁹ Van Dixhoorn, *M&P*, vol. 4, 316. Letham, *Westminster*, 137. Cf. 107.

³⁰ Upon receiving the first command from Parliament to produce the Scripture proofs during Session 725, Oct. 12, 1646, The Assembly, “Upon debate of it, it was Resolved upon the Q.: ther shall be a committee to consider of this order, how obedience may be yeilded therunto.” Van Dixhoorn, *M&P*, vol. 4, 314.

³¹ Letham, *Westminster*, 137, also 107.

³² *WCF* 1.6

³³ Cf. Letham, *Westminster*, 138-142.

³⁴ Bower, *CFCTI*, 5.

were ordered to annex Scripture proofs. Determining proper Scripture proofs may have been difficult, but it was secondary to the right hermeneutic for handling the Scriptures. A host of texts must be supplied for every statement if they were to support their doctrinal positions sufficiently. Only then would full Scriptural support be produced, which, as they said, “would have required a Volume.”³⁵

Therefore, the texts chosen were *directive* and *supportive* texts. The proof-texts directed the reader to other expositional works by sound Protestants. The biblical texts are examined in more detail in these expositions, thereby providing a broader, contextual understanding and support of the doctrinal statement. The accumulative information of both Scripture proofs and expositions were to be weighed as part of the process for rightly understanding the *Confession's* phrases to which the proof-texts were attached.

Examining the Assembly's reluctance cannot be reduced to merely choosing one reason over the others. According to the documents, Pribble, Van Dixhoorn, Bower and Letham each produced valid points, none of which should be disregarded. Instead, all should be brought together to see the complex position that led to the Assembly's delay. Regardless of their arguments' validity, the Assembly's pleas fell on deaf ears within Parliament. Whatever Parliament's reason for ordering the proof-texts, the result was praiseworthy for Baillie, who stated that even though it would be a timely and challenging task, “it will be for the advantage and strength of the work.”³⁶

Proof-Texts for Chapter 19

In obedience to Parliament's charge, the Assembly began this process on January 6, 1647, and selected the three-person committee of Thomas Wilson, Richard Byfield, and Stanley Gower to prepare the Scripture proofs.³⁷ This daunting task took all of Scripture under its

³⁵ Bower, *LCCTI*, 43.

³⁶ Baillie, *Letters*, vol. 3, 2. Baillie's comments are proven true for this author in the next chapter where Westminster's hermeneutic is applied to the proof-texts annexed to the confessional statements of annulment for the Judicial and Ceremonial Law.

³⁷ Session 768, January 6, 1647. Van Dixhoorn, *M&P*, vol. 4, 390. See also vol. 1, 111 containing the biographical sketch of Richard Byfield.

purview and was completed in three and one-half months.³⁸ Of the 66 books of Scripture, only Obadiah and Philemon supply no proof-texts for the Standards.³⁹

Sinclair Ferguson correctly observed that the proof-texts are placed in a “*seriatim*” or sequentially running fashion in correlation to the sequential topics of the *Confession*.⁴⁰ Therefore, one is assured that the three proof-texts of paragraph 19.3 listed under footnote “e” are indeed associated with the phrase in question. This letter attachment of “e” is affirmed in both critical editions of the *Confession* by Carruthers and Bower.

The original *Confession*’s publication did not have the proof-texts fully cited but only referenced in the margin. Later editions placed some or all of the Scripture proofs alongside the text to aid the reader. Consequently, a caution is provided so that comments similar to Thomas Lye’s are understood accordingly. Lye stated that the text’s intended force is the italicized portion of the proof-text. Where no italic emphasis is applied to the Scripture reference, the entirety becomes the intentional force.⁴¹ Such an application to the proof-texts could not be applied to the original document but only to later versions as secondary source material.

The formal minutes of the Assembly contain no record of the actual discussions of the *Confession*’s proof-texts so their reasons for approval or rejection are left a mystery. What is known is that the Assembly did not address the Scripture proofs associated with chapter nineteen until Friday, February 19, 1647. On this day, they debated the first four paragraphs and approved them all before the end of the session. It appears there were two dissents listed in the minutes of that day. The first was by Mr. Carter and simply reads, “Mr Carter Jun. entred his

³⁸ Bower, *LCCTI*, 42. Letham stated that the work was completed by Session 804 on March 5, 1647, but that another committee was appointed to review the work that finally concluded the process in Session 825 on April 12, 1647. Letham, *Westminster*, 137, FN #48.

³⁹ This information is gleaned from a survey of texts found in Pribble’s *Index* listed above.

⁴⁰ Ferguson, *Theonomy*, 334.

⁴¹ Compare: “Q. 4. How know you, that the force lies in these words? A. Both by the *sense* of the words themselves; and *also because these words are printed with a different character, from other words of the same Text.*” “Q.5. What if at any time you find *all the words of the Texts of Scripture printed alike, from what words then will you raise your Doctrine?* A. Not from any particular words of the Text, but *from the whole.*” Thomas Lye, *The Principles of the Christian Religion, Comprehended in the Assemblies Shorter Catechism; Drawn out into Several Distinct Propositions, and Prov’d by Plain and Pertinent Texts of Scripture at Large. With Short Rules of Direction for Masters of Families, How to Use This Book to the Best Advantage* (London, 1672), 4, 6. Thomas Lye, *The Principles of the Christian Religion, Comprehended in the Assemblies Shorter Catechism; Drawn out into several distinct Propositions, and prov’d by plain and pertinent Texts of Scripture at large. With short Rules of Direction for Masters of Families, how to use this Book to the best advantage* (London, 1672), 4, 6.

dissent.”⁴² The second was by Mr. Hodges, who entered a “dissent to all except the 3rd paragraph.”⁴³ It is interesting that Mr. Hodges would dissent against all the chapter’s proof-texts but those of the third paragraph concerning the Ceremonial Law. The proof-texts for the remainder of chapter nineteen were debated and approved Monday, February 22, 1647.⁴⁴

The three Scripture proofs finally chosen for the phrase in question are not from the case laws of the Old Testament’s Mosaic Ceremonial Law.⁴⁵ Instead, they are applications of ceremonial laws by Paul and Jude to situations impacting the New Testament Church. Referencing them demonstrates that the Westminster divines discerned how the New Testament authors analogically applied the Ceremonial Law’s instruction to their current circumstances. Their analogies were valid even though the particular laws were abolished. The deduction is that if the Ceremonial Law had an analogical application for the New Testament Church in Paul’s day, it had the same in the seventeenth century. Neither Jude nor Paul advocated a reinstatement of the sacrificial system or its priesthood. Rather, they extracted the divine truths these typical ordinances expressed and then applied those truths to their present day context. The rationale for this analogical application is better discerned by examining the Assembly’s use of the three texts in other deliberations.

The Proof-Texts of 19.3 (e) in the *Minutes and Papers*

It is crucial to see how the Assembly implemented these texts within their debates. A complete discussion of the survey can be found in Appendix C, but summarized here. The survey examined each use of the three Scripture proofs recorded in the *M & P*. Although the references are few, the brevity allowed each one to be studied in detail. The deliberations show that the topics were church government and discipline (especially ex-communication) in every

⁴² Ibid., Session 796, Feb. 19, 1647. 436. There is a different dating taking place at this point that is explained concerning another place within the Assembly’s minutes which may be clarified by Hetherington, “The date on the title page is 1643; but the parliamentary year commenced on the 25th of March, according to the English computation; and Baillie mentions this treatise as newly published, in a letter dated the 18th of February 1644, he dating the beginning of the year from January, as had been the custom in Scotland from the year 1600.” Hetherington, *History of the Westminster Assembly*, 153.

⁴³ Van Dixhoorn, *M&P*, Session 796, Feb. 19, 1647; vol. 4, 436.

⁴⁴ Ibid., Session 797, Feb. 19, 1647; vol. 4, 438.

⁴⁵ Throughout this thesis, the term “case law” is synonymous with a precept of law described as *carnal*, *corporeal*, or *writte*. All four terms refer to the actual precept(s) as given to Israel through Moses. The term distinguishes the written statute from its general equity and any typology associated with it (similarly, the terms precept, law, statute, and ordinance are used synonymously). The distinctions, and their importance, are discussed later in the thesis (see esp. chapters 9-10).

case.⁴⁶ The method used in these discussions was always an analogical approach that took the Old Testament example and applied it to the New Testament setting. Regardless of the speaker, the analogical method was employed, revealing that an analogical hermeneutic applied to the ceremonial ordinances was not constrained to any particular theological camp represented at Westminster.⁴⁷

Alterations of the Original Proof-Texts for 19.3 (e)

Some theologically committed to the Westminster Standards apparently viewed these proof-texts as lacking the desired clarity to elucidate the phrase. Therefore, they sought to remedy this by amending them. Their intentions may have been honorable, but their results have caused more confusion than clarity.⁴⁸ The Orthodox Presbyterian Church (OPC) and the Presbyterian Church in America (PCA) added Leviticus 19:9-10, 19, 23, 27, and Deuteronomy 24:19-21 to the original three proof-texts.⁴⁹ Lev. 19:9-10 and Deut. 24:19-21 are judicial laws concerning charity to the poor and the stranger. These case laws may be understood as ceremonial in that they are *temporary* or *positive*.⁵⁰ This definition would be so broad as to include the Judicial Laws and some Moral-positive laws, a confusion plaguing the Church during Cawdrey's day.⁵¹ Nonetheless, the definition of temporary or positive does not correspond with

⁴⁶ Comp. John Calvin's connections with ceremonial ordinances concerning lepers and the doctrines of excommunication and the keys of the kingdom. Calvin, *Harmony*, vol. 2, 24-28.

⁴⁷ Some may object to this statement due to Mr. Bridge's questioning of an analogical connection with 2 Cor. 6:17. He may only be questioning whether that particular analogy is valid for that particular case. Whatever the reason for the question, he did continue to ask that if there is a valid analogy, then is it between "their suspension and our excommunication?" It appears if there is an analogy, he wants to know in what sense or degree the analogy holds. His words exclude an outright denial of an analogical hermeneutic either way. Van Dixhoorn, *M&P*, vol. 3, 122. Goodwin, according to Van Dixhoorn, "played a leading role in the committees of dissenting brethren who were appointed to produce position papers and minority reports on ecclesiastical matters." This was probably in large part to his ecclesiastical views of independency. *Ibid*, vol. 1, 120-121.

⁴⁸ Other denominations such as the Associate Reformed Presbyterian Church (ARP), Free Presbyterian Church of North America (FPCNA), and Reformed Presbyterian Church of North America (RPCNA) left these three as they were originally given.

⁴⁹ Observation taken from the "The Orthodox Presbyterian Church," January 12, 2020, <https://opc.org/confessions.html> and the "Administrative Committee PCA," March 3, 2023, <https://www.pcaac.org/bco/westminster-confession/>.

⁵⁰ Positive carries the idea of *mutability* among the Assembly members. The definitional confusion with the word *ceremonial* was so important that Assembly members Daniel Cawdrey and Herbert Palmer addressed the issue at the beginning of their treatise on the Sabbath. They listed three main definitions in use during their day by theologians. The second definition presented was that of "Mutable and Temporary." This was not Cawdrey's intended meaning. Cawdrey, *CSV*, 6.

the Assembly's meaning of the Ceremonial Law as distinct from Judicial and Moral laws. The paragraphs of *WCF* chapter 19 clearly distinguish the three types of laws. Therefore, these additional proof-texts add more confusion because judicial precepts are now interjected into the Assembly's meaning reserved solely for Ceremonial Law.

The Evangelical Presbyterian Church's (EPC) addition of Leviticus 5:1-6 relating to the Sin-offering and Leviticus 6:1-7 concerning a Sin-offering with restitution created the same effect.⁵² The EPC conflated the idea of a list of specific moral and ceremonial ordinances with what the Assembly referred to as "instructions of moral duties" held forth by the Ceremonial Law's typical ordinances. Lev. 6:1-7 are all Moral Law violations. According to the Assembly, the two categories of Moral and Ceremonial Law are distinct and distinguishable. The EPC inserted passages that list distinct moral precepts (5:1, 4; 6:1-4) and distinct ceremonial precepts (5:2, 3) in them, all requiring the same sacrifice (5:5-6; 6:5-7).⁵³ These additional passages intermingle the Moral Law with the Ceremonial Law. Therefore, such proof-texts have only hindered understanding the Assembly's meaning of the phrase by distorting the tripartite distinctions between Old Testament case laws.

Another significant observation concerning these additional references is that they are Old Testament case laws. Those chosen by the Assembly were extracted from the New Testament. The difference is that the Assembly's proof-texts provided a context in which the Old Testament's typical ordinances were applied to a New Testament circumstance. Therefore, the present-day applicability of the typical ordinances appears connected to their use of "moral

⁵¹ Ibid., 5-6. See also the above footnote as an example. Cf. William Twisse (1578?-1646), *The Christian Sabbath Defended Against a Crying Evil in These Times of the Antisabitarrians of Our Age: Wherein Is Shewed That the Morality of the Fourth Commandment Is Still in Force to Bind Christians Unto the Sanctification of the Sabbath Day. Written by That Learned Assertor of the Truth, William Twisse D.D. Late Prolocutor to the Assembly of Divines* (London: printed for Thomas Pierrepont, and are to be sold at the signe of the Sun in Pauls Church-yard, 1652), 74-76. On p. 74, the typological signification of ceremonial is affirmed while on p. 76 he observed there are those who speak of ceremonial as positive.

⁵² "There have been three major versions of the proof texts for the *Confession of Faith*: (a) the 1647 British edition, (b) a revision by the Presbyterian Church in the United States of America (PCUSA) in 1894, and (c) an equally extensive revision by the Presbyterian Church in the United States (PCUS) in 1910. The latter two revisions have hundreds of additions and deletions." Taken from "EPC Beliefs," EPC, n.d., accessed 2/12/2020, <https://epc.org/about/beliefs>.

⁵³ The EPC's addition of Lev. 5:1-6 does, in some ways, accord with the "uncleanness" concept of Jude 23 and 2 Cor. 6:17, while their addition of Exodus 12:14 would agree with the theme of the Passover. Regardless, these are Old Testament texts and not New Testament examples as supplied by the Assembly.

duties.” For the Assembly, these “moral duties” were understood as perpetual.⁵⁴ These later Scripture additions are references to Old Testament case laws, not New Testament applications of them which fail to highlight the perpetuity of their moral instructions.

Proof-Texts in Expository Works: A Test Case

There is no concrete way of knowing which commentators the Assembly had in mind when choosing the three proof-texts for 19.3. Letham mentions the writings of the Assembly members as being the focus. This begs the question of how many specifically published expository works there are on these three verses and which ones are intended? Five assembly members helped produce *The Westminster Annotations and Commentary on the Whole Bible*. These annotations were printed in 1645 while the Assembly was at work. It could be that these annotations, along with other members’ writings, are the intended sources of the Assembly’s hermeneutical approach.

Letham’s words must not be understood as exclusive to all other expositions but assembly members. He gave two reasons why other Protestant and Reformed works might also be considered. First, such writers were appealed to during the Assembly’s debates, thereby setting a precedent. Secondly, per the *Solemn League and Covenant*, England’s confession was required to reflect the broader reformed church’s theology. Therefore, the Assembly’s “intention was to harmonize with the Reformed churches on the Continent.”⁵⁵ This requirement necessitated the Assembly’s interaction with Continental reformers’ works. Therefore, it required the same of any seeking to understand the Assembly’s confessional statements replicating the reformed theology derived from those works. Likewise, it may align with their thinking to appeal to well-known English Protestant authors who had already written on the

⁵⁴ This meaning was developed from the writings of the Assembly members in an earlier chapter and one can see the perpetuity of Moral Law emphasized in the *WCF* 19.5 where they state that “The Moral Law doth for ever binde all.” The perpetual nature of moral laws sets them apart categorically from ceremonial and judicial laws which were only binding on Israel for a set time.

⁵⁵ These two reasons are taken from email correspondence between Dr. Letham and this author. Email correspondence dated November 9, 2020 in response to the question of how exclusive was the Assembly’s hermeneutical approach for using expository sources on the proof-texts?

referenced texts. Therefore, theologians like Richard Hooker, William Ames, Thomas Cartwright, and William Perkins may have been in mind.⁵⁶

A test case is now provided for the Assembly's hermeneutical approach using two commentators on Jude's epistle. Two commentators held in great esteem among the English theologians at the Assembly were John Calvin (1509-1564) and William Perkins (1558-1602), and both produced expositions of the Epistle of Jude. These two theologians will serve as a mere backdrop for the investigative endeavor of testing Letham's view of Westminster's hermeneutical intention for the proof-texts. By doing so, it is also hoped that some insights are gleaned concerning what the Assembly desired to affirm in their statement by using Jude 23 as one of their three proof-texts. Any insights gleaned will simply serve as examples to look for in the writings of the Assembly members themselves.

Jude 23 - And other saue with feare, pulling them out of the fire, and hate euen that garment which is spotted by the flesh.⁵⁷

John Calvin

Calvin's exposition of Jude 23 is contextual and concise. The subject matter of verses 22-23a is the differing degrees of force by which one rescues another who is sinning. Calvin affirmed that verse 23b warns the believer not to become contaminated by the corruption associated with those they are exhorted to rescue. In verse 24, Calvin interprets the text in such a way that it exhorts the believer to save those they know are perishing. He then lays before his reader two duties flowing directly from the text. The first is the obligation to rescue those perishing. The second is directly connected to the first in that while performing the first duty; a believer is not to become corrupted by the vices from which they are rescuing others. Calvin's exposition does not give much insight into the particular nature of the Ceremonial Law's moral connection. Regardless, it does demonstrate that he, on Jude's example, saw moral duties flowing out of the Ceremonial Laws. In doing so, he did not presume to list any particular set of case laws, he simply expounded upon the conclusions drawn by Jude. This test case is in accord with what has been observed in the Assembly's deliberations and is *analogical*.

⁵⁶ Each of these men was appealed to during debates even though unanimity neither among these theologians or the Assembly was required. What was required is more of a consensus concerning the general bounds of Protestant doctrine.

⁵⁷ Jude 23, (GNV).

William Perkins

William Perkins may not be as well-known as Calvin, but his influence within England is immeasurable. Letham stated he “was arguably the single most seminal figure in the development of Puritan theology in England.”⁵⁸ Sinclair B. Ferguson said those influenced by his ministry “reads like a veritable Who’s Who of the Puritan Brotherhood and far beyond.”⁵⁹ Stalwarts such as “Richard Sibbes, John Cotton, John Preston, and William Ames” sat under his ministry.⁶⁰ Assembly member Thomas Goodwin, upon entering Cambridge ten years after Perkins’s death, sat under six instructors taught by Perkins and was amazed how “[T]he town was then filled with the discourse of the power of Master Perkins’s ministry.”⁶¹ His voluminous writings filled England and were “translated into Spanish, Welsh, Irish, French, Italian, Hungarian, and Czech,” thereby overflowing Britain’s borders.⁶²

Analogical

Unlike Calvin, Perkins’s exposition is neither brief nor reserved. He gave four *Uses* or practical applications that will be of interest. Like Calvin, he noted the differing degrees of force necessary to rescue those perishing but went further when addressing the phrase “and hate even the garment spotted with the flesh.” He refers to this as a “precept... propounded in a dark comparison or similitude, taken from the ceremonial pollutions of the law.”⁶³ Perkins even referenced Leviticus 15:1-12 and Numbers 9:1-14 as case laws under Jude’s purview. These laws concerned those who entered the state of legal uncleanness by “conversing with persons legally unclean but also by touching (though it was unawares) their houses, vessels, and garments.”⁶⁴ Perkins’ use of “dark comparison or similitude” demonstrates that he approached the text from an *analogical* perspective like Calvin and the Assembly. According to Perkins’ analogy, “[s]o must we under grace deal with obstinate offenders-avoid their persons, sins, yea,

⁵⁸ William Perkins, *The Works of William Perkins*, ed. J. Stephen Yuille, Joel R. Beeke, and Derek Thomas vol. 1 (Grand Rapids, MI: Reformation Heritage Books, 2014), fourth unnumbered p. of recommendations.

⁵⁹ *Ibid.*, first unnumbered p. of recommendations.

⁶⁰ *Ibid.*, xiii.

⁶¹ *Ibid.*, xv.

⁶² *Ibid.*, xvii.

⁶³ *Ibid.*, vol. 4, 248.

⁶⁴ *Ibid.*

and societies, as occasions thereof.”⁶⁵ Beyond the analogical, Perkins reveals three other applicational approaches.

Typological

In Use 1, Perkins approached the text from a *typological* perspective as he expounded the concepts of ceremonial uncleanness and the spiritual relation these laws generally portray in a figurative manner. He differentiated three kinds of uncleanness in Scripture: Natural, Moral, and Ceremonial. He then stated, “[A]lthough legal defilement was not always a sin, yet it was always an evil and prefigured the defilement of men by original sin.”⁶⁶

Further down, Perkins built on this idea in his four practical applications. In Use 1, he stated that “the end of ceremonial uncleanness...was to represent that spiritual uncleanness in the whole man by original and actual sin in thought, word, and deed.”⁶⁷ Perkins’ typological approach is highlighted by his use of the words “prefigured,” “figure,” “shadow,” and “represent” as he described uncleanness and sin.

As Perkins applied this truth, he began listing specific actions that followed. He stated,

This consideration should cause us to look into the filthiness of our hearts, which, if we could or did see as it is both in itself and in the vile fruits which without intermission it sends out, it would make us humble ourselves and never be at rest until this fountain of the blood of Christ were set open unto us, and we even plunged into it and so cleansed from this uncleanness, whereof the uncleanness of the flesh was but a figure and shadow.⁶⁸

Typology of the Ceremonial Law is usually associated with truths concerning Christ’s person and work. Perkins’ typological application led him to move one step further. He brought forth both *truths* and *duties* from the Ceremonial Laws which obligate God’s people. The truth of indwelling sin and its defilement causes one to consider and look into their hearts.⁶⁹ If rightly perceived, this same truth should cause that person to run to Christ for remedy. In this way,

⁶⁵ Ibid., 249. There is an observable overlap within each of the four applicational approaches presented, yet distinctions do exist as Perkin’s language evidences.

⁶⁶ Perkins, *Works*, vol. 4, 249.

⁶⁷ Ibid., 250.

⁶⁸ Ibid.

⁶⁹ This truth to duty relationship reflects the structural format of Westminster’s two catechisms discussed in chapter three.

typology reveals how the duties of personal reflection, repentance, and faith in Christ become moral obligations.⁷⁰

Synecdochical

In Uses 2 and 3, Perkins reveals a *synecdochical* approach.⁷¹ In Use 2, Perkins stated that by Jude’s words,

We learn how to understand the commandments of the moral law – namely, not only according to the letter and bare words in which they are propounded, which mention the main sins only against God and man, but by a *synecdoche* in the mentioned sins, all of that kind, as all occasions, also motives and inducements thereunto- as here: the apostle wishes the saints to hate the flesh, yea, the garments spotted. So we are to hate the sin itself, yea, and all the kinds and occasions of the same.⁷²

In Use 3, Perkins listed four particulars where the believer must hate sin. First, he said, “we must hate the company and society of manifest and obstinate sinners, who will not be reclaimed.”⁷³ Secondly, we must hate “all their sins, not communicating with any man in his sin, we must have no fellowship with the unfruitful works of darkness.”⁷⁴ Thirdly, we must hate “all occasions and inducements unto these sins.”⁷⁵ Fourthly, we must hate “all appearances of wickedness.”⁷⁶ He called this a “needful duty” and stated that “we must attain to the hatred of all before we can come to the practice of this precept.”⁷⁷

By this synecdochical approach, Perkins made two connections worth close attention. First, in Use 2, he connected the Ceremonial Law to the Decalogue and saw the Judicial Law as

⁷⁰ Here again is a conclusive overlap where the typological has led to the evangelical which is discussed below.

⁷¹ The term synecdoche means to use a part for the whole and is found in Perkins’s quote below and the Assembly’s minutes. For example, Van Dixhoorn, *M & P*, Vol. 2, Session 47, September 7, 1643. In the *M&P* the term synecdoche is not used in the context of any of the three Scripture proofs associated with the phrase in question however, the concept was known and applied, especially in their treatment of the Decalogue as a summation of Moral Law. As an example, the reader is referred to Westminster’s catechetical treatment of each of the Ten Commandments. Cf. *WLC* Q. 104-148 and *WSC* Q. 46-81.

⁷² Perkins, *Works*, vol. 4, 250. (emphasis additional)

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, 250-251.

expressive of the Second Table.⁷⁸ Secondly, Use 3 combined “all occasions and inducements of sins” related to any particular sin. As observed in chapter three, this synecdochical approach was well-known during the Assembly’s day, and reflected in *WLC* Q. 99 respecting the rules for rightly interpreting the Ten Commandments.

Evangelical

In Use 4, Perkins draws the historical, physical context of the Jews into comparison with the present spiritual application. He began by rehearsing how the Jew, coming into a state of uncleanness by contact with something unclean, must wash their body and change clothing to be cleansed. He then noted that the believer, who is defiled by sin, “must” go to “the laver of the church,” which is “the blood of Christ,” that their sins be “washed away.”⁷⁹ These acts of confession and repentance, by which one puts off the “old man with his lusts; and puts on the wedding garment, that is, Christ Jesus with His righteousness,” Perkins calls “the duties of sanctification.”⁸⁰ This application begins as analogical but moves to a more particular application known as *evangelical*.⁸¹ It is important to note that traces of the evangelical application are discerned in all three of Perkins’ previous applications. The move is possible because the evangelical application is grounded on Christ’s mediatorial work of salvation, and all three previous applications have some Christological connection of truth and duty.

It is crucial to see that Perkins’ words denote duties derived from this evangelical application. In this instance, the awakened sinner is to go to Christ for cleansing, but these duties are not a one-and-done action for Perkins. He referred to “confession and repentance,” which he called “the duties of sanctification.”⁸² By placing these actions under sanctification, they become lifelong actions though each begins with a commencing act.

Several lessons can be learned from this experiment. First, the methodological approach to the proof-texts is beneficial but takes work. Second, the Assembly’s deliberations and the

⁷⁸ Cf. thesis chapter three.

⁷⁹ Perkins, *Works*, vol. 4, 251.

⁸⁰ *Ibid.*

⁸¹ For more information on evangelical precepts falling under the category of Moral-positive, see chapter four, under “Evangelical laws.”

⁸² *Ibid.*

expositions by Calvin and Perkins agree that an analogical application is used with the ceremonial case laws for current circumstances. Third, these analogies lend themselves to our understanding of truths. Fourth, these truths are many times, if not always, accompanied by required duties. Fifth, the *analogical* application of the Ceremonial Law was not the only one in use. The *typological*, *synecdochical*, and *evangelical* applications were also in use. Sixth, the duties presented go beyond the idea of hating sin. This idea is involved, but much more is expressed in the evangelical duties of trusting in Christ and the acts of sanctification.

Conclusion

Since so many run first to the proof-texts to better understand words and phrases within the *Confession*, the Assembly's historical and hermeneutical approach concerning the original proof-texts was investigated. As a primary source, the original proof-texts have a direct explanatory/supportive connection to the confessional statement to which they were annexed. As such, their hermeneutic for the proof-texts allows one to conclude that somewhere they perceived there was an expository treatment of those texts that would aid the reader in understanding their authorial meaning of the statement. The Assembly's minutes were examined to discern how they implemented the three proof-texts appended to the phrase under examination. Also, Jude 23 was used as a test case for applying the Assembly's hermeneutical approach to the proof-texts.

The *M & P* survey of the three Scripture proofs proved an analogical approach played a significant role in the Assembly's debates, especially government and discipline. According to the minutes, the analogical method was the only means by which the three Scripture proofs were appropriated. Although the Assembly saw the Mosaic Ceremonial Law as abolished, they still used them in an analogical way based on Paul and Jude's example (as did Calvin and Perkins). Their analogical model allowed them to affirm the Ceremonial Law's abrogation and, at the same time, derive truths and duties from them for the present age.

By examining the Assembly's hermeneutic for proof-texts, their intent for using them as signposts directing the reader to more comprehensive treatments of the topic was discovered. Testing this methodological approach proved valuable for understanding the phrases to which the Scripture texts were appended. The test case using Calvin and Perkins yielded three additional

hermeneutical methods of application for the Ceremonial Law beyond the analogical. Even though Calvin analogically produced truths and duties from Jude 23, Perkins' exposition went much further displaying multiple applications of the Ceremonial Law. His typological, analogical, evangelical and synecdochical appropriations of Ceremonial Law proved that many varied duties beyond the mere hating of sin could be derived directly from the ordinance. The derived Christological truths and instructions of moral duties intrinsic to those truths dominate their commentary. For understanding the *Confession*, the original proof-texts as a primary source and as a correct understanding of the Assembly's hermeneutic for them are crucial and will be applied throughout the remainder of the investigation.

The following chapter will investigate the concept of abrogation associated with the Judicial and Ceremonial Law for three reasons. The first is because of the phrase's deficient treatment within expositions of the Standards. Secondly, there is needed clarity on how abrogation and an abiding moral duty (i.e., perpetual duty) can both be true at the same time concerning ceremonial and judicial statutes. Thirdly, there is a need to understand the Ceremonial Law's moral connections as acknowledged by Assembly members in light of its abrogation. Thus, chapter eight will address the general equity of the Judicial Law, and chapter nine will undertake to fully explain the instructions of moral duties related to Ceremonial Law. Altogether, these last three chapters will complete the examination of the five parallels found within paragraphs three and four of chapter nineteen in the *Confession*.

CHAPTER 7: FOURTH PARALLEL: ABROGATION AND EXPIRATION

James Montgomery Boice entitled his exposition of Acts 21:1-26 “When a Good Man Falls.”¹ Within the biblical text, verses 1-16 recount Paul’s travel to Jerusalem and the prophetic warnings of the imprisonment awaiting him in Jerusalem.² The last section, verses 17-26, records Paul’s arrival in Jerusalem, his warm greeting by the church, and James’s proposed solution to solve the mischaracterization of Paul’s ministry as perceived by the Jews in Jerusalem. Word had spread in Jerusalem that Paul taught Jews to abstain from keeping the Mosaic Law. Therefore, James’s solution was for Paul to join with four Jewish brothers who had taken a Nazarite vow, cleanse himself according to the Jewish ordinance and then pay their expenses to the Temple priests. By doing so, the men could be released from the vow according to the law and Paul’s active involvement would demonstrate his adherence to the law and thus combat the lie.

For Boice, Paul’s acquiescence to James’s request becomes a record of Paul’s sin.³ Boice likened Paul’s actions to “Moses, who began his own private liberation movement by killing an Egyptian,” and “Samson, who, so bewitched by Delilah, gave away the secret of his strength.”⁴ Boice saw Paul’s willingness to heed the voice of James as a sinful compromise and disobedience, which consequently led to Paul’s arrest.⁵ He painted the picture that the divine warnings were to keep Paul from this point of temptation, yet he would not listen.⁶ Boice viewed Paul’s imprisonment as an intervening act of God, who had Paul arrested so that he could not go through with the ritual to the point of the sacrifice.⁷

¹ James Montgomery Boice, *Acts: An Expository Commentary* (Grand Rapids, MI: Baker Books, 1997), 355–62.

² Acts 21:4, 10.

³ Boice, *Acts*, 355-356.

⁴ *Ibid.*, 356.

⁵ *Ibid.*, 359-361.

⁶ *Ibid.*, 356-357.

⁷ *Ibid.*, 361.

Boice believed that ceremonial ordinances abolished at Calvary were never again to be observed by Jewish Christians once they had come to faith in Christ. To do so was considered a sin under any circumstance whatsoever. But was this the view of Westminster or of Protestantism before and during the days of the Assembly? Was Paul sinfully tempted by James, and thus both men should be understood as sinning before God? As the fourth parallel concerning abrogation is investigated, these questions will be answered from Westminster’s point of view concerning abrogation as their view is better understood.

5 Parallels	WCF 19.3: Ceremonial	WCF 19.4: Judicial
Parallel 1	“God was pleased to give”	“he gave” (God)
Parallel 2	“to the people of Israel, as a Church under age”	“To them also, as a Body Politique” (Israel)
Parallel 3	“Ceremoniall Laws”	“sundry Judicial Laws”
Parallel 4	“now abrogated under the new Testament”	“expired together with the State of that People”

Those who assume a unified position of abolition existed with the Ceremonial Law are mistaken. The question of abrogation with legal rites is complex; and those embracing the *Confession’s* broader approach will come away from specific texts of Scripture with a different understanding of why some apostolic first century permissions were given, while others were not. The Assembly’s views of abrogation are replicated within the *Westminster Confession of Faith* and find deep roots within Christian doctrine traced back to Augustine.⁸ Those seeking conformity to this ancient doctrinal lineage must understand the Assembly’s hermeneutic of biblical law and their doctrine concerning the Judicial and Ceremonial Law’s abrogation.

Different Terminology within the Paragraphs

Westminster chose the word “abrogated” to describe the Ceremonial Law’s annulment but chose “expired” for the Judicial Laws.⁹ The Assembly’s minutes reflect the grammatical precision for which they always aimed. Extreme biblical accuracy was sought with the doctrines they espoused in the *Confession*, but so too must be the words used to articulate them. Although

⁸ The reader is referred to *Appendix D: Ceremonial Ordinances: Dead and Deadly*. There various Assembly members along with Henry, Owens, Perkins, Calvin, Turretin, Thysius, Polyander, Junius, Aquinas, Jerome, and Augustine are quoted on the issue along with many other lesser known theologians.

⁹ Ibid.

the two words are synonymous, it is logical to conclude that each word was specifically chosen to communicate a particular meaning or mode of annulment for the laws to which it was attached.

According to the *Oxford English Dictionary*, during the seventeenth century, the verb *abrogate* meant “To repeal (a law, established usage, etc.); to abolish authoritatively or formally; to annul, to cancel.”¹⁰ Their earliest example of this definition dates back to 1520; the latest is 2000. This observation demonstrates the word has remained etymologically consistent over that period of time. In comparison, “expire” is derived from the Latin compound of *ex*, meaning “out,” and *spirare*, meaning “breathe.”¹¹ Therefore, it means “To breathe out (air, etc.) from the lungs.”¹² The sixth meaning is “To come to an end; to terminate; to become void; to become extinct,” while the seventh definition means “to cause to expire or cease; to put an end to.”¹³

These last two definitions of expire comport well with the word’s use in the *Westminster Confession*, while the second and fourth provide the Assembly’s intended lexical imagery. The second definition is “To give out, emit, exhale,” and the fourth meaning is “To breathe out in the article of death.”¹⁴ The range of meaning from “to breathe” on one end, and “to come to an end” on the other is connected by the idea that one breathes out their last breathe and comes to an end at death.¹⁵ Thus, for a law to *expire*, it has come to an end of its life and has breathed out its last valid application and obligation. This meaning is observed in the words of Alexander Henderson, who, in a sermon to the House of Commons on December 27, 1643, spoke of a manmade “festivitie” that was fading away and stated, “this superstition shall shortly expire, and that it is now at the last gaspe.”¹⁶

¹⁰ “Oxford English Dictionary,” *abrogate*, v., accessed February 2, 2022, oed-com.vu-nl.idm.oclc.org/view/Entry.

¹¹ “The Shorter Oxford English Dictionary on Historical Principles” (Oxford: Clarendon Press, n.d.), *Expire*, 706.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Alexander Henderson, *A Sermon Preached to the Honourable House of Commons at Their Late Solemne Fast, Wednesday, December 27, 1643* (London: Printed for Robert Bostock, 1644), 31.

In contrast, the idea behind *abrogation* is that it may still be applicable, but for some reason, the one possessing the authority to do so has chosen to repeal it. Therefore, the actual abolition comes by decree.¹⁷ There is a nuanced difference, seeing that both legal corpora were abolished by God’s design. Both had run their course in different ways, and the distinct words reflect the different *means used to abolish* each legal corpus and also accord with and point to the reason each was abolished.

Judicial Law “Expired”

The definition Cawdrey gave for expired laws clearly stated that these laws were not repealed. Expiration was connected to the “Nature” or “particular Reason” for which the precept was formulated.¹⁸ As Cawdrey stated,

By a Lawes being Expired in the Nature of it, wee meane, when it was manifestly given, and continued for some particular Reason, which Reason is now manifestly ceased, and so without any repealing of it, it is of it selfe at an end in respect of Obligation.¹⁹

This definition portrays the law as expired because it fell out of use or had run its course and was, therefore, exhausted of its purpose. This understanding accords with the *OED*. There was no need to repeal it because the law was no longer applicable due to a change in circumstances. In the case of the Judicial Law, the nation for which they were created ceased to exist. Therefore, since it was no longer applicable, it was no longer obligatory.

Burgess presupposed this circumstantial connection when he stated, “the Judiciall Laws, because they were given to them as a politick body, that polity ceasing, which was the principall, the accessory falls with it.”²⁰ Burgess affirmed that the purpose for God giving the Judicial Law to Israel was because they were a commonwealth and, as such, needed them.²¹ Once the commonwealth was gone, so were the laws designed to govern it. The *Westminster Confession* conveys the same idea. They declared that the Judicial Laws “expired *together with* the State of

¹⁷ “For no laws of God commanding things which are but types & figures, are at any time abrogated, untill the things commanded cease to be of use as the Apostle shewes in the 8 9: & 10 cap: of *Heb.*” Walker, *DS*, 141.

¹⁸ Cawdrey, *CSV*, 18.

¹⁹ *Ibid.*

²⁰ Burgess, *VL*, 168.

²¹ “Because this law [judicial], in many things which are of a particular right, was accommodated to the commonwealth of the Jews, and not to other nations also, Exod. xxii. 3. Exod. xxi. 2. Lev. xxv. 2, 3. Deut. xxiv. 1, 2, 3. Deut. xxv. 5, 6, 7.” Dickson, *Truth’s Victory over Error*, 118.

that People.”²² The clause “together with” denotes the inseparable connection between those laws and the “State” or commonwealth for which they were explicitly given.²³

Ceremonial Law “Abrogated”

For Cawdrey, the repealing of the Ceremonial Law possessed complexities. A precept was “repealed” if there were “sentences of Scripture, particularly of Christ and his Apostles, declaring, that it is not the will of God, that such Lawes should any longer be counted in force”²⁴ The repealing process could be either *particular* or *general*. Therefore, a precept was “named expressly” or “comprehended under those generall expressions concerning the Jewish Ceremonies.”²⁵ Phrases Cawdrey used as examples under which the ceremonial ordinances were collectively or generally repealed included “a shadow of things to come;” “the rudiments of the world;” “weak and beggarly elements;” “carnal ordinances, imposed *on them* until the time of reformation;” and “a yoke upon the neck of the disciples.”²⁶ Similarly, one could appeal to Mark 7:19 and Acts 10:9-16, where before and after Christ’s crucifixion, a *particular* repeal of the dietary laws is mentioned.

Whether particular or general, there was a divine authority requisite for their abolition and a definite time at which they were abolished. Although both legal corpora demanded divine authority to be annulled, there was a significant difference in the *initial timing* of the annulment of each. Judicial Laws could fall out of use or be amended and altered over time due to changing circumstances, while the Ceremonial Laws had a definite point in time at which their purpose was to collectively end. This difference can be discerned in Burgess’s statement that

²² WCF 19.4. Italics added for emphasis.

²³ Ibid. Cawdrey, *CSV*, 17-18. Judicial Laws are not the only precepts that could expire. Among this list, Cawdrey included such New Testament laws as “Joh. 13. of washing one anothers feet, [and] Of anoynting the sick with oyle, that they might recover, Jam. 5.” Ibid., 17.

²⁴ Cawdrey, *CSV*, 18.

²⁵ Ibid. Burgess affirmed that the Ceremonial Law was “expressly repealed” and referenced Acts 15 as a proof. Burgess, *VL*, 212. Comp. Rutherford who observed concerning the Judicial Law that there is no particular repeal of them in the New Testament but rather the whole system was abolished. “It is true, Christ hath not said in particular, *I abolish the debarring of the leper seven dayes, and he that is thus and thus unclean shall be separated till the evening*; nor hath he said particularly of every carnall Ordinance and judicall Law, it is abolished. But we conceive, the whole bulk of the judicall Law, as judicall, and as it concerned the Republick of the Jews only, is abolished.” Rutherford, *Divine Right of Church-government*, 493.

²⁶ Ibid. The authors cited Col. 2[:17, 20]; Gal. 4[:9]; Heb. 9[:10]; Acts. 15[:10] and also noted that the phrase in Acts 15 “will fetch in also some of the Judicials perhaps.” Ibid.

the *Ceremoniall Law*, in the judgement of all, had still bound Christians, were there not speciall revocations of these commands, and were there not reasons for their expiration from the very nature of them.²⁷

Noticing the overlap in Burgess's statement, the Ceremonial Laws had "speciall revocations," yet there is also an acknowledgment that "the very nature" of those laws also influenced their annulment. As typological, they were designed to foreshadow Christ. Consequently, his Advent and Passion fulfilled the foreshadowing purpose for which they were formulated. Even though their foreshadowing purpose was fulfilled, these laws still needed an authoritative repeal.

Pre-Westminster Confessional Witness to Abrogation

It must be remembered that sacrifice, as a ceremonial ordinance, was intended to be universal and was divinely instituted at the time of humanity's sin in the Garden of Eden.²⁸ In general, ceremonial ordinances were not constrained to Israel, although those ordinances were incorporated and enlarged as part of the Mosaic system, which Israel was obligated to maintain. Therefore, even if Israel no longer existed before Christ, sacrifices would have continued.

Nonetheless, all ceremonial ordinances were by design (or by their nature) intended to universally cease when Christ had fulfilled them by his first Advent. The abrogation of the ceremonial ordinances is well attested in early Protestant confessions. *The Second Helvetic Confession* of 1566 held forth this divine timeline of abrogation by stating,

Surely in the new covenant of Christ there is no longer any such priesthood as was under the ancient people; which have an external anointing, holy garments, and very many ceremonies which were types of Christ, who abolished them all by his coming and fulfilling them.²⁹

In the same manner, the *Confession of France* declared, "We believe that the ordinances of the law came to an end at the advent of Jesus Christ"³⁰ *The Belgic Confession* stated, "We believe that the ceremonies and figures of the law ceased at the coming of Christ, and that all the shadows are accomplished; so that the use of them must be abolished among Christians."³¹

The Synopsis of a Purer Theology affirmed,

²⁷ Burgess, *VL*, 168.

²⁸ Gen. 3:21 compare with 4:4-5, 7:2; 8:20-22; 12:7, 2 Kings 5:17; etc.

²⁹ Cochrane, *Reformed Confessions*, 272.

³⁰ *Ibid.*, 152.

³¹ *Ibid.*, 206.

The ceremonial law is the “shadow painting,” the sketched outline of the divine worship which God demands in the four commandments of the first table. This law was once arranged to suit the structure of the Israelite nation, and it consisted of a variety of figurative foreshadowings, of which the bodily substance is in Christ, who in his own flesh abolished its commandments.³²

When the *Synopsis* spoke of the annulment of the Ceremonial Law, they used the word “*abolevit*,” meaning to abolish. For the Judicial Laws, they use the Latin word “*expirarunt*,” meaning to expire, which parallels the language used by Westminster.³³

Post-Westminster Confessional Alterations

Although the Protestant confessions affirm the Ceremonial Law's abrogation, the *Savoy* and *London Baptist* altered the *Westminster Confession's* overall paragraph.³⁴ Below are charts placing paragraphs 19.3 and 19.4 of each doctrinal statement in parallel while highlighting the differences. Also provided are charts demonstrating only those proof-text alterations that have a bearing on abrogation associated with each respective paragraph. The *Savoy* did not provide proof-texts, but the 1677 *London Baptist* did. Comparing these two confessions with the *WCF* reveals they altered the paragraphs and changed the proof-texts; and those alterations obscured aspects of annulment intended to be conveyed by Westminster. The examination begins with 19.4 and the Judicial Law.

³² Polyander, *SPT*, vol. 1, Disp.18.46.

³³ *Ibid.*, vol. 1, Disp. 18.46 and 51.

³⁴ The *London* followed the alterations by the *Savoy* for the most part but as the chart demonstrates, felt free to go beyond those alterations.

Comparison Chart: *Westminster, Savoy, & London*

WCF — Chapter XIX: Of the Law of God	<i>Savoy</i> — Chapter XIX: Of the Law of God³⁵	<i>London 1677</i> — Chapter XIX: Of the Law of God³⁶
<p>3. Beside this Law, commonly called Moral, God was pleased to give to the people of Israel, <u>as a Church under age</u>, Ceremonial Laws containing several typical Ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits;^d and partly, holding forth divers instructions of moral duties.^e All which Ceremonial Laws are now abrogated, under the new Testament.^f</p>	<p>3. Beside this Law commonly called Moral, God was pleased to give to the people of Israel Ceremonial Laws, containing several Typical Ordinances, partly of Worship, prefiguring Christ: his Graces, Actions, Sufferings and benefits, and partly holding forth divers Instructions of Moral duties. All which Ceremonial Laws <u>being appointed only to the time of Reformation, are by Jesus Christ the true Messiah and only Law-giver, who was furnished with power from the Father for that end, abrogated and taken away.</u></p>	<p>3. Besides this Law commonly called moral, God was pleased to give to the people of Israel Ceremonial Laws, containing several typical ordinances, partly of worship, (f) prefiguring Christ, his graces, actions, sufferings, and benefits; and partly holding forth divers instructions (g) of moral duties, all which Ceremonial Laws <u>being appointed only to the time of reformation, are by Jesus Christ the true Messiah and only Law-giver who was furnished with power from the Father, for that end, (h) abrogated and taken away.</u></p>
<p>4. To them also, as a Body Politique, he gave sundry Judicial Laws, <u>which expired together with the State of that People</u>; not obliging any other now, further than the general equity thereof may require.^g</p>	<p>4. To them also he gave sundry Judicial Laws, <u>which expired together with the State of that people</u>, not obliging any now by virtue of that institution, their general equity only being still of moral use.</p>	<p>4. To them also he gave sundry judicial Laws, <u>which expired together with the state of that people</u>, not obliging any now by virtue of that institution; their general (i) equity only, being of moral use.</p>

Confessional Statement Alterations 19.4: Judicial Law

As the bold text in the chart above demonstrates, the wording of paragraph four was altered.³⁷ There is an alteration common to both paragraphs. Both the *Savoy* and the *London*

³⁵ Congregational Churches in England, *Savoy Declaration*, 20–21.

³⁶ Anonymous, *London Baptist Confession of Faith of 1677*, 64.

³⁷ The Particular Baptists acknowledged they changed the manner of presenting their doctrinal views as found in their former confession. This change came by choosing to follow the structured outline of the *Westminster* and *Savoy*. This allowed them to demonstrate both their alignment with them in the gospel while also allowing them to express their differences. As they stated it, “One thing that greatly prevailed with us to undertake this work, was (not only to give a full account of our selves, to those Christians that differ from us about the subject of Baptism, but also) the profit that might from thence arise, unto those that have any account of our labors, in their instruction, and establishment in the great truths of the Gospel; in the clear understanding, and steady belief of which, our comfortable walking with God, and fruitfulness before him, in all our ways, is most neerly concerned; and therefore we did conclude it necessary to expresse our selves the more fully, and distinctly; and also to fix on such a method as might be most comprehensive of those things which we designed to explain our sense, and belief of; and finding no defect, in this regard, in that fixed on by the assembly, and after them by those of the Congregational way, we did readily conclude it best to retain the same *order* in our present confession: and also, when we observed that those last mentioned, did in their confession (for reasons which seemed of weight both to themselves and others) choose not only to express their mind in words concurrent with the former in sense, concerning all those articles wherein they were agreed, but also for the most part without any variation of the terms we did in like manner conclude it best to follow their example in making use of the very same words with them both, in these articles (which are very many) wherein our faith and doctrine is the same with theirs, and this we did, the more abundantly, to manifest our

omitted one of the former parallels already addressed in an earlier chapter. The differing governmental spheres associated with each legal corpus were left out (parallel 2). The phrase referring to Israel as “a Church under age” was omitted in paragraph three, as was the expression in paragraph four describing her “as a Body Politique.” These omissions, though theological, have no bearing on this thesis and, therefore, will not be discussed. The alteration is a difference of ecclesiology and not biblical law. The only concern at this point is the underlined section in 19.4 which was not altered. Consequently, the present matter of contention is the altered proof-texts associated with that underlined phrase. The latter two confessions had no problem with the wording, but the *London* took issue with the proof-texts.

The proof-texts supplied by Westminster for paragraph four can be divided as follows. Exodus chapter 21 and chapter 22:1-29 support the statement that these laws were judicial in nature, given to Israel specifically, and served as their civil jurisprudence. Genesis 49:10, coupled with 1 Peter 2:13-14, were provided to demonstrate the expiration of these laws. Lastly, Matthew 5:17, 38, and 39, and 1 Corinthians 9:8-10, support the abiding force of general equity that remains associated with these laws after they expired.

As observed in previous chapters, anything of a moral nature must be perpetual. Therefore, Matthew 5 is referenced to affirm that any moral essence associated with these laws must be perpetual. 1 Corinthians 9:8-10 illustrates a judicial precept fitting this criterion and is a New Testament example of the hermeneutical approach for extracting and reapplying its general equity. For the present purpose, Matthew 5 and 1 Corinthians will be addressed in the following chapter, while Genesis 49 and 1 Peter 2 will come under examination here.

Confessional Proof-Text Alterations 19.4

As the following chart demonstrates, the *London* omitted all but the final proof-text. Of the five omitted, the two crucial texts are Genesis 49:10 and 1 Peter 2:13-14.³⁸

consent with both, in all the fundamental articles of the Christian Religion.” Ibid., Preface entitled “TO THE *Judicious and Impartial* READER.”

³⁸ The purposeful intention of any proof-text omission or addition is admitted to in the 1677 edition which is where they first appeared. For in their preface to the reader they stated, “We have also taken care to affix texts of Scripture, in the margin for the confirmation of each article in our confession, in which work we have studiously endeavoured to select such as are most clear and pertinent, for the proof of what is asserted by us.” Ibid.

WCF (19.4) (g)	London 1677 (19.4) (i)
Exod. 21. Chapter; Exod. 22.1-29 ³⁹	Omitted
Gen. 49.10. with 1 Pet. 2.13,14⁴⁰	Omitted
Mat. 5.17. with vers. 38,39. ⁴¹	Omitted
1 Cor. 9:8-10⁴²	1 Cor. 9:8-10

Genesis 49:10 with 1 Peter 2:13-14

The omission of these proof-texts appears insignificant at first glance. Genesis 49:10 is Jacob’s prophecy concerning the coming Jewish commonwealth and kingly rule marked by the tribe of Judah. The passage in 1 Peter 2:13-14 is a New Testament command exhorting subjection to civil authority. On their face, they seem simple enough. Yet, something more is revealed using Robert Letham’s suggested approach to the Westminster proof-texts. When the *Westminster Annotations* on Genesis 49:10 are consulted, a connection emerges between the two texts intended and acknowledged by Westminster. As duplicated in the chart, the critical text by Bowers and the Edinburgh edition of the *Westminster Confession* both retain the original preposition “with” between the two proof-texts. This preposition demands that Genesis 49:10 is read *together with* 1 Peter 2:13-14. This connection is the precise approach discovered within the *Westminster Annotations*.⁴³

The extended treatment of the verse in the *Annotations* can be reduced to the following: First, Genesis 49:10 is not prophesying when the Jewish Commonwealth would begin but rather,

³⁹ All Scripture references for charts in this chapter are taken from the *GNV*, 1599 ed.

⁴⁰ **Gen. 49.10** “The scepter shall not depart from Iudah, nor a Lawegiuer from betweene his feete, vntill Shiloh come, and the people shall be gathered vnto him. **(with) 1 Pet. 2.13,14** Therefore submit your selues vnto all maner ordinance of man for the Lordes sake, whether it be vnto the King, as vnto the superiour, ¹⁴ Or vnto gouernours, as vnto them that are sent of him, for the punishment of euill doers, and for the praise of them that doe well.”

⁴¹ **Matthew 5:17, 38, 39** “Think not that I am come to destroy the Lawe, or the Prophets. I am not come to destroy them, but to fulfill them. ³⁸ Ye haue heard that it hath bene sayd, An eye for an eye, and a tooth for a tooth. ³⁹ But I say vnto you, Resist not euill: but whosoever shall smite thee on thy right cheeke, turne to him the other also.”

⁴² **1 Cor. 9:8-10** “Say I these thinges according to man? saith not the Lawe the same also? ⁹ For it is written in the Lawe of Moses, Thou shalt not mussell the mouth of the oxe that treadeth out the corne: doeth God take care for oxen? ¹⁰ Either saith hee it not altogether for our sakes? For our sakes no doubt it is written, that he which eareth, should eare in hope, and that he that thresheth in hope, should be partaker of his hope.”

⁴³ Comp. Martin Chemnitz’s defense of the abrogation of the Judicial and Ceremonial Laws. Chemnitz concluded his Scriptural defense by stating, “Therefore the Christian can use the proper laws of all forms of government and is not bound to the Mosaic structure.” Chemnitz, *Works*, vol. 8, 623-624.

“when it is begun, how long it shall continue, and hold on.”⁴⁴ Accordingly, its proper focus is the end of the commonwealth specifically. Secondly, the end of the Jewish nation will be contemporaneous with the coming of Shiloh.⁴⁵ The *Annotations* perceive a “latitude of time” for this consummating event that includes a bit of time before and after the appearance of Shiloh, who they affirm is Jesus Christ. As they stated,

it shall not wholly be deprived until he come who is Shiloh, the Prosperer or Saviour, the son of Judah by lineal descent, and the true expected Messiah JESUS CHRIST; and about the time of his coming, (if we take it not punctually for the day, or month, or year of his birth, but with some latitude of time, as a little before, and a little after, for an orderly accomplishment of the prophecy) that the Jewish Commonweal be dissolved, and their Government broken in pieces, they dispersed and scattered into several Countries, without any Governour or Law-giver of their owne Nation, and wholly in the power of the Princes or Potentates, or States in whose Land they live.⁴⁶

Thirdly, the end of the above lengthy sentence connects the nation’s dissolution with the Jewish *Diaspora*. Scattering the Jews throughout other lands and under other governments became the thematic focal point of the Jewish nation’s destruction and coronation of Shiloh. Fourthly, the removal of the Judahite dynasty comes by degrees, yet when complete, it is fully evident that the Messiah has come, and the event serves to confirm Christians in their faith. As stated in the *Annotations*,

⁴⁴ *Westminster Annotations*, vol. 1, Genesis 49:10. Cf. Thysius who referenced Gen. 49:10 when discussing the incarnation and the timing of Christ’s birth and stated, “And so he was born man, at a time and place chosen by God, and when the time was right, i.e., ‘at the very last time of the world’ (Isaiah 2[:2]), ‘when the fullness of time had come’ (Galatians 4:4), ‘when the scepter had departed from Judah’—that is, when Augustus was ruler of the Jews (Genesis 49:10; Luke 2 [:1]_ -- towards the end of the seventy weeks that Daniel had foretold (Daniel 9), and ‘in Judea, in the city of David, Bethlehem’ (Micah 5:1; Matthew 2:1, 5; Luke 2:4).” Thysius, *SPT*, vol. 2, Disp. 25.23.

⁴⁵ *The Dutch Annotations* contain the same idea that Judah’s declining rule will be contemporaneous with the appearance of Shiloh, who is Jesus Christ. “until Silo [hereby doubtless the Messiah is to be understood...in regard to the twofold form of Government, the one, having power in matters criminal, over life and death; the other only determining Civil and Ecclesiastical differences; for some years before the coming of Christ, the Jews were deprived of the first form of Government by Pompeius: but the other was yet remaining in their hands, when Christ was come in the flesh, John 18.31.]” Theodore Haak, *The Dutch Annotations upon the Whole Bible, Or, All the Holy Canonical Scriptures of the Old and New Testament Together with, and According to Their Own Translation of All the Text, as Both the One and the Other Were Ordered and Appointed by the Synod of Dort, 1618 and Published by Authority, 1637, Now Faithfully Communicated to the Use of Great Britain, in English: Whereunto Is Prefixed an Exact Narrative Touching the Whole Work, and This Translation / by Theodore Haak* (London, 1657), Gen. 49:10. The Geneva Bible’s notes also refer to Shiloh as “Christ the Messias, the giver of all prosperitie: who shall call the Gentiles to salvation.” *GNV*, Genesis 49:10, margin note i.

⁴⁶ *Westminster Annotations*, Genesis 49:10.

... So that the Jewish power or scepter departed by degrees, for it was much weakened by Pompey,... After that it was much shaken by Herods intrusion, but not finally broken, until the destruction of Jerusalem, by which time it was manifested, that Shiloh was come; and after that the Jewes had no form nor face of the Commonweal, as before, nor any authority or distinction of any Tribe as before they had: here by then it is evident, that the Messiah is come, whereby the Christians may be confirmed in their faith, and the Jewes convinced of obstinacy.⁴⁷

What is learned from the *Annotations* is that the Westminster Assembly purposely connected Genesis 49:10 with 1 Peter 2:13-14 and expected them to be read together. In light of the *Annotations*, 1 Peter is viewed by the Assembly as Peter's epistle written to the "elect exiles of the Dispersion in Pontus, Galatia, Cappadocia, Asia, and Bithynia."⁴⁸ Therefore, Peter is not addressing believers in general. As the Apostle to the Jews, he particularly implores believing Jews already scattered beyond Israel's border. His exhortation to the Jewish Diaspora to obey the local magistrates under which they now reside comes amidst the death throes of the Jewish nation and its imminent collapse.⁴⁹ The appeal to the Mosaic Judicial Laws as the basis of civil jurisprudence was no longer valid for them; nor would it be for the Jews still in Jerusalem after A. D. 70.⁵⁰ The Assembly's textual connection reflects the degrees of Israel's dissolution of power and the degrees by which the people themselves were removed from under that civil jurisprudence as it was dissolving.

Like the *Annotations*, Burgess blended the two textual themes to demonstrate the abrogation of the Judicial Laws.

Now it may be easily proved, that the Ceremoniall, and Judiciall lawes they are abrogated by expresse repeale. The Judiciall Law 1 *Pet.* 2. 13. where they are commanded to *be subject to every ordination of man:* and this was long foretold *Genes. 49. 10. The Law-giver shall be taken from Judah.*⁵¹

⁴⁷ Ibid.

⁴⁸ Cf. 2 Pet. 3:1 and 1 Peter 1:1.

⁴⁹ Assuming the traditional authorship of the Apostle Peter and the traditional dating for the letter as during the 60's, the exhortation comes just prior to the destruction of Jerusalem in A. D. 70. For a detailed treatment of the authorship and dating of 1 Peter see Donald Guthrie, *New Testament Introduction* (Downers Grove, IL: InterVarsity Press, 1990), 762–88.

⁵⁰ In what is probably the very first exposition of the *Westminster Confession*, David Dickson stated one of the reasons the Judicial Law was not binding on other nations was "Because believers are appointed under the gospel, to obey the civil law, and commands of those under whose government they live, providing they be just, and that for conscience sake."⁵⁰ Dixon then referenced 1 Peter 2:13-14 along with Romans 13:1 and Titus 3:1. Dickson, *Truth's Victory over Error*, 118.

⁵¹ Burgess, *VL*, 211-12.

Either as a consequence of a well-known textual association between the two biblical passages or the thorough debate on the subject by the Assembly, Burgess unified the themes and felt justified in concluding the abrogation of the Judicial Laws by these two Scriptural texts.

The proof-texts provided by the *London* wholly lose this connection. That is not to say its editors did not hold such a doctrinal position, but it does beg the question of why the omission? Retaining them would have aided those who studied them with any purpose. The proof-texts provided by Westminster reveal the broad nature of the Judicial Law's abrogation as they biblically understood it. From Judah's first exhaling loss of royal power to its last breath "in the article of death" under a Roman Army, the expiration process is assumed by the connection between the two biblical texts.⁵²

The importance of these two proof-texts rests in the reality that no express statements exist in the New Testament declaring the abrogation of the Judicial Laws. The latter two confessions retain the text affirming they have been abolished but provide no biblical footing on which to stand in any authoritative demonstration of it. Genesis 49 needed to be connected "with" 1 Peter because the Assembly sought to ground the expiration of the Judicial Laws in Scripture. Yet, with no single text expressly declaring so, it was incumbent to logically deduce the prophesied demise of Judah's rule consonant with Shiloh's appearance in Genesis with Peter's imperative concerning the legitimacy of obeying foreign magistrates under which the *Diaspora* now lived.⁵³ These connected texts become the Assembly's biblical foundation for their view of expiration associated with the Mosaic Judicial Law. In like fashion, Cyprian of Carthage sought to combine Isaiah 8:16-17 with Matthew 11:13 in an effort to logically deduce the abolition of Israel's civil laws.⁵⁴

⁵² "The Shorter Oxford English Dictionary on Historical Principles" (Oxford: Clarendon Press, n.d.), Expire, 706.

⁵³ Logical deduction or "good and necessary consequence...deduced from Scripture" is affirmed as a proper hermeneutic in *WCF* 1.6. Samuel Waldron, in his exposition of the 1689 *London Baptist Confession* affirmed that "Scriptural evidence" for the expiration of the Judicial Law of Moses was a "deduction...gleaned from Hebrews 9:19. He also appealed to Hebrews 9:18 along with Hebrews 8:7, 13; 9:10; 10:1 to logically deduce that the same context of 9:18 "has for its theme the thought that the Old Covenant is obsolete and ready to disappear because it was imposed only until a time of reformation (Hebrews 8:7, 13; 9:10; 10:1)." Waldron then concluded, "It is impossible to avoid the clear teaching of Hebrews 9:19 that the judicial, as well as the ceremonial law, of Israel has expired." Waldron, *1689 Baptist Confession*, 239.

⁵⁴ Cyprian quoted Isaiah 8:16-17 and Matthew 11:13 as his two biblical witnesses for the abrogation of the Mosaic laws, but they do not seem to be as clear on the issue as those referenced in the *WCF*. Cyprian stated, "That the former law which was given by Moses was to cease. In Isaiah: 'Then shall they be manifest who seal the law, that they may not learn; and he shall say, I wait upon the Lord, who turneth away His face from the house of Jacob,

Matthew 5:17 with verses 38, 39

Matthew 5:17 was greatly appealed to by seventeenth-century theologians to refute the Antinomian and Libertine movements of their day, but will only be acknowledged at this point.⁵⁵ In the marginal references of the *WCF*, the Matthew 5 proof-texts are placed between “Gen. 49.10 with 1 Pet. 2.13-14” and the final proof-text of “1 Cor. 9.8,9,10,” and by this ordering, convey a flow of doctrinal thought. The reference to “Exod. 21. Chapter. Exod. 22.1 to 29” isolated a collection of Judicial Laws for an illustrative purpose, while the Judicial Law’s abolition and climactic death in A. D. 70 is set forth by Genesis 49 and 1 Peter. The affirmation of perpetuity associated with any law categorized as moral follows. This doctrinal position is supported by Matthew 5:17, 38, and 39. Lastly, there is the much-debated issue of the moral equity found within casuistic laws, especially in varying degrees within the Mosaic Judicial Laws. This subject is taken up in the following chapter, but for now, please note that this doctrinal position was supported by the addition of 1 Corinthians 9. 8-10.

The order and doctrinal flow of these proof-texts is deduced because they are not individually attached to any particular phrase within the paragraph, as in most other sections, but instead attached to its final word. The entire paragraph and its order are to be understood according to the systematic order of the proof-texts. This conclusion may seem an overreach to some but once Westminster’s idea of general equity is examined and rightly perceived, the genius behind the text and the proof-texts are better understood and appreciated. By combining the *Confession’s* text and proof-texts with Letham’s hermeneutic for the proof-texts, the broader body of truth associated with the statement becomes a vast field of investigation and insight.

Confessional Statement Alterations: 19.3: Ceremonial Law

and I shall trust in Him.’ In the Gospel also: ‘All the prophets and the law prophesied until John.’ Cyprian of Carthage, “Three Books of Testimonies against the Jews,” in *Fathers of the Third Century: Hippolytus, Cyprian, Novatian, Appendix*, ed. Alexander Roberts, James Donaldson, and A. Cleveland Coxe, trans. Robert Ernest Wallis, vol. 5, The Ante-Nicene Fathers (Buffalo, NY: Christian Literature Company, 1886), 510. Cyprian also linked Psalm 2:1-3 and Jeremiah 30:8-9 with Matthew 11:28-30 to demonstrate the breaking of the old “yoke” pertaining to the Jews and the giving of a new “yoke” by Christ. *Ibid.*, 513. The text of Matthew 11:13 is understood by the *Westminster Annotations* to be the end of the foretelling prophetic witness of Christ’s coming which ended with John the Baptist’s witness of the Messiah’s presence. As the *Annotations* stated, “The things they foretold of Christ, and the types of him in the law, began to be fulfilled in the time of John, there needed no more predictions, but a manifestation of the Messiah to Israel, which was John’s office to do.” *Westminster Annotations*, Matthew 11:13.

⁵⁵ See Dickson, *Truth’s Victory over Error*, 118-19; Rutherford, *Spiritual Antichrists*, 151.

Looking now at the alterations concerning the Ceremonial Law in paragraph 19.3, two significant points are stated for consideration. First, the text was altered. Secondly, the proof-texts were also amended by addition and subtraction. The alterations of both the text and proof-texts conceal the broadness of abrogation held not just by Westminster but by Protestants and Christians of old. Like the Judicial Law’s expiration, a process existed with the abrogation and the complete dissolution of the Ceremonial Laws.

Comparison Chart: Westminster, Savoy, & London

WCF 19.3	Savoy 19.3	London 1677 19.3
<p>3. Beside this Law, commonly called Moral, God was pleased to give to the people of Israel, <u>as a Church under age</u>, Ceremoniall Laws containing several typical Ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits;^d and partly, holding forth divers instructions of moral duties.^e All which Ceremonial Laws <u>are now abrogated, under the new Testament.</u>^f</p>	<p>3. Beside this Law commonly called Moral, God was pleased to give to the people of Israel Ceremonial Laws, containing several Typical Ordinances, partly of Worship, prefiguring Christ: his Graces, Actions, Sufferings and benefits, and partly holding forth divers Instructions of Moral duties. All which Ceremonial Laws <u>being appointed only to the time of Reformation, are by Jesus Christ the true Messiah and onely Law-giver, who was furnished with power from the Father for that end, abrogated and taken away.</u></p>	<p>3. Besides this Law commonly called moral, God was pleased to give to the people of Israel Ceremonial Laws, containing several typical ordinances, partly of worship, (f) prefiguring Christ, his graces, actions, sufferings, and benefits; and partly holding forth divers instructions (g)of moral duties, all which Ceremonial Laws <u>being appointed only to the time of reformation, are by Jesus Christ the true Messiah and only Law-giver who was furnished with power from the Father, for that end, (h) abrogated and taken away.</u></p>

Confessional Proof-Text Alterations 19.3:

Westminster Confession of Faith (19.3) <i>(f)</i>	London Baptist 1677 (19.3) <i>(h)</i>
Col. 2:14 ⁵⁶	Col. 2:14
Col. 2:16-17 ⁵⁷	Col. 2:16-17

⁵⁶ **Col. 2:14** “And putting out the hand writing of ordinances that was against vs, which was contrarie to vs, hee euen tooke it out of the way, and fastened it vpon the crosse.”

⁵⁷ **Col. 2:16-17** “Let no man therefore condemne you in meate and drinke, or in respect of an holy day, or of the newe moone, or of the Sabbath dayes, ¹⁷ Which are but a shadowe of thinges to come: but the body is in Christ.”

Eph. 2:15-16 ⁵⁸	Eph. 2:14 Added to Eph. 2:16 ⁵⁹
Dan. 9:27 ⁶⁰	Omitted

The two later confessions' alterations are examined first. The editors' intention for alteration in the *Savoy* and *London* was to clarify what they perceived as too vague a statement. Consequently, they sought to bring more precision to their wording by providing two clarifications. The first alteration sought to clarify by whom and by what authority the abrogation of the ceremonial ordinances took place. The answer is supplied by the statement, "by Jesus Christ the true Messiah and onely Law-giver, who was furnished with power from the Father for that end."⁶¹ To this doctrine, all would agree, although presupposed by Westminster. The second alteration sought to clarify the precise timing this abrogation took place. This clarification is supplied by the phrase, "being appointed only to the time of Reformation."⁶² By their wording, the *Savoy* and *London* depart from the broad view of abrogation outlined in the *WCF*.

The alterations of text and proof-texts must be examined to fully perceive the impact. By surveying both charts above, it is observed that the Assembly stated that the abrogation took place "under the new Testament."⁶³ Compared to the *Savoy* and *London*, this phrase appears as a a theologically sloppy attempt to define the abrogation's point of time. Once correctly understood, it becomes the appropriate phrase for expressing the exactness of their view. The theory postulated here is that what others altered, both text and proof-text, resulted in veiling Westminster's understanding of the abrogation *process*. Nothing that is stated by either confession is erroneous. Nonetheless, the precision sought by the *Savoy* and the *London* confessions by enlarging the information found in the last sentence has had a negative result.

⁵⁸ **Eph. 2:15-16** "In abrogating through his flesh the hatred, that is, the Lawe of commandements which standeth in ordinances, for to make of twaine one newe man in himselfe, so making peace, ¹⁶ And that he might reconcile both vnto God in one body by his crosse, and slay hatred thereby."

⁵⁹ The *First London Baptist Confession* of 1677 only has verses 14 and 16 attached to Ephesians 2 while the 1699 version has 14, 15, and 16 listed in the margin.

⁶⁰ **Dan. 9:27** "And he shall confirme the couenant with many for one weeke: and in the middes of the weeke he shall cause the sacrifice and the oblation to cease, and for the ouerspreading of the abominations, he shall make it desolate, euen vntill the consummation determined shalbe powred vpon the desolate."

⁶¹ *Savoy*, 19.3.

⁶² *Ibid.*

⁶³ *WCF* 19.3

Observing the textual alterations to the *final sentence* makes it apparent that only the first four words are left intact and that all three confessions maintained the verb “abrogated” as the lexical description of annulment associated with this legal corpus. Beyond these two commonalities, the remaining additions are entirely different from the *Westminster Confession*. As to their precision, they did highlight who was authoritatively responsible for abolishing the Ceremonial Law.⁶⁴ They also pinpointed when the annulment occurred, which was the moment Christ commenced “the time of reformation” by his death on the cross.⁶⁵ The latter two confessions also stated that these ceremonial ordinances were “appointed only to the time of this reformation.”⁶⁶ The cross event as the precise time of abrogation is borne out by comparing the text of the two latter confessions with the proof-texts supplied by the *London* (Col. 2:14-17, Eph. 2:14, 16). This view is consistent with the *Westminster Confession of Faith*, which used the same Scripture references. The *London* added Eph. 2:14 and omitted 2:15, but it was later reinserted in the 1699 edition. Colossians 2 and Ephesians 2 were passages commonly linked to Christ’s death on the cross, abolishing the ceremonial ordinances.⁶⁷ The proof-text inclusion of Ephesians 2:14 with verses 15-16 added nothing significant. Like the Judicial Laws above, what is missing says more than what is not.

Daniel 9:27

One crucial proof-text omitted by the *London* is Daniel 9:27. The text’s importance has a bearing on the Assembly’s broader statement of “under the new Testament” that provides room for the *timely process* in which the decree became fully realized within Israel. In contrast, the *Savoy* and *London* only highlighted Christ’s atoning death as the point of abolition. In defense, one may point to the phrase “only to the time of Reformation” as an exception that allows for

⁶⁴ This concept is addressed by John Owen, who was instrumental in the editing of the *Savoy Declaration of Faith and Order*. In his exposition of Hebrews, he described how the believing Jews wrestled with the reality that the ceremonial ordinances could be overturned and that the “mistaken side...pleaded for, nothing but an immediate declaration of the mind of God himself, as to his removing and taking off the obligation of his own law.” In the next paragraph, he stated, “Now, who was fit, who was able, to determine upon these different and various institutions of God, but God himself?” John Owen, *An Exposition of the Epistle to the Hebrews*, vol. 18 (Edinburgh: Johnstone and Hunter, 1854), 46–47.

⁶⁵ *Savoy* 19.3; *London* 19.3.

⁶⁶ *Ibid.*

⁶⁷ The *Synopsis of a Purer Theology* linked them no less than twice as it pertained to the crucifixion and the consequent abrogation of the Ceremonial Law. Cf. Polyander, *SPT*, vol. 1, Disputations 18.46 and 21.50.

time enlargement. The literal wording is that they were appointed “only to the time of.” The phrase provides no time beyond the period’s consummation either in the statement or the proof-texts in the *London* confession.

In defense of the *Savoy* and *London*, one might appeal to J.V. Fesko, who noted that Francis Roberts (1609-1675) also referred to the Ceremonial Law’s abrogation as equated with the time of reformation but “explains it referred to the time of the New Testament.”⁶⁸ Even if this is the case, Westminster’s broader understanding is veiled by the language used in the text and the proof-texts chosen by the *Savoy* and *London*. Had the *London* retained Daniel 9:27, one could argue that the “time of reformation,” whatever its duration should be included.⁶⁹ They only chose, however, to employ the two proof-texts pointing to the death of Christ.⁷⁰ The *Westminster Annotations* equated the phrase’s meaning in Hebrews 9:10 of “the time of reformation” with Christ’s life and atoning death. Their annotation stated,

time of, &c.] That is, of Christs coming, who should and did reform the carnal rites, or ceremonies and services of the Law, by fulfilling them; exhibiting the truth and those spiritual blessings typified and signified by them; and by instituting a more simple and spiritual worship. This is that which is meant, when God promises to create new heavens, and a new earth, Esay 65.17. and when S. Paul saith, All things are made new, 2 Cor. 5.17.⁷¹

The *Annotations* listed two ways in which Christ’s coming is related to the time of reformation and his reforming of the ceremonial ordinances. The first was “by fulfilling them” through his “exhibiting the truth and those spiritual blessings typified and signified by them.”⁷² The second

⁶⁸ Fesko, *Westminster Standards*, 278.

⁶⁹ Hebrews 9:10.

⁷⁰ The emphasis of Christ’s life and atoning death as that which reformed or abrogated the ceremonial rites is the same emphasis the *Westminster Annotations* takes with the phrase “time of reformation” found in Hebrews 9:10. Therefore. If this is all they meant, then why didn’t they say it the way the *Savoy* and *London* stated it, unless they meant more than this. Their annotation states, “*time of, &c.]* That is, of Christs coming, who should and did reform the carnal rites, or ceremonies and services of the Law, by fulfilling them; exhibiting the truth and those spiritual blessings typified and signified by them; and by instituting a more simple and spiritual worship. This is that which is meant, when God promises to create new heavens, and a new earth, Esay 65.17. and when S. Paul saith, All things are made new, 2 Cor. 5.17.” *Westminster Annotations*, Hebrews 9:10.

⁷¹ *Ibid.*

⁷² *Ibid.* There is a semicolon between these two phrases. If they are meant to be different aspects rather than the second phrase serving to explain the first, then there are three ways intended by the *Annotations*. “and” does not appear until the phrase concerning the institution of “a more simple and spiritual worship.” Also, it was common to refer to fulfilling the ordinances by being the antitypical fulfillment as the second phrase denotes. If three are intended, then one must determine in what sense the first two phrases differ. This author does not discern enough in the context to make a three-fold division.

was by his “instituting a more simple and spiritual worship.”⁷³ One could scripturally argue that Jesus accomplished both of these before his ascension. Therefore, if this is all they intended, they could have stated it like the *Savoy* and *London*. Yet, further investigation proves Westminster intended so much more by their wording and proof-texts.

The Point and Process of Abrogation

For just as the editors of the *London* had reasons for omitting Daniel 9:27 as a proof-text, the Assembly had their reasons for inserting it.⁷⁴ Westminster had a well-known theological view in mind motivating them to phrase the statement as they did and for specifically appending Daniel 9:27 as a proof-text. The Assembly’s wording, with its less restrictive time parameters, provides an allowance for the time between the cross event and the destruction of Jerusalem in A. D. 70. By purposely stating it this way, the phrase includes Christ’s crucifixion and the timely process by which the ceremonial ordinances faded out and were ultimately brought to extinction under the Apostles’ oversight. This doctrinal position is supported by applying the Assembly’s hermeneutic for proof-texts to the *Westminster Annotations*.⁷⁵

Although the *Westminster Annotations* on Daniel 9:27 do not draw a hard line at the beginning of the seventy weeks. Nonetheless, they do connect the end of “sacrifice and oblation” brought on by “the coming and death of the Messiah” with “the final destruction of the City and Temple” as all being part of the seventy weeks.⁷⁶ Westminster’s point in connecting the text with the proof-texts of Ephesians 2, Colossians 2, and Daniel 9 is that the abrogation of the Ceremonial Law had a definite point of abolition at Calvary; yet, it did not come to a

⁷³ Ibid.

⁷⁴ Daniel 9:27 “And he shall confirme the couenant with many for one weeke: and in the middes of the weeke he shall cause the sacrifice and the oblation to cease, and for the ouerspreading of the abominations, he shall make it desolate, euen vntill the consummation determined shalbe powred vpon the desolate.”

⁷⁵ See thesis chapter six for the Assembly’s hermeneutic for proof-texts.

⁷⁶ *Westminster Annotations*, Daniel 9:25. Comp. *Dutch Annotations* which stated, “one week: [That is, seven years, in midst whereof our Saviour Christ was put to death, and the rest of the time did the Apostles preach the Gospel unto the Jews] and (in) the half of the week, [To wit, in the midst of the seventieth week] he shall cause the slay-offering and the meat-offering to cease, [To wit, by his death, which is a sacrifice and slay-offering, whereby all the saints are sanctified for ever; before which all the Levitical sacrifices are vanished, as the shadow is vanished before the Sun; for though they continued yet a little while after the ascension of Christ, yet immediately with his death all their lawfulness and usefulness ceased].” As it pertains to the destruction of Jerusalem by the Romans, Jeremiah 4 is referenced where a more in-depth treatment of its destruction is given. Haak, *Dutch Annotations*, Daniel 9:27.

complete stop until the destruction of Jerusalem and the Temple in A. D. 70.⁷⁷ The wording of the *Westminster Confession* allowed for a *point in time* and a *process of time* concerning abrogation, and its proof-texts represent both time parameters.

The Burial of Moses, Dead but not yet Deadly

Theologians, beginning with Augustine, referred to the time of transition between Christ's crucifixion and Jerusalem's destruction as the time in which Moses was respectfully buried.⁷⁸ They perceived three periods of time when considering the abrogation of the Ceremonial Law: 1) the time before Christ's death, when the rites were commanded and standing with full obligation upon the Jews, 2) the time following Jerusalem's destruction in A. D. 70, and 3) a middle period between the cross and the destruction of Jerusalem.⁷⁹

Under this division, a well-known maxim was characterized by the terms "dead" and "deadly." When speaking of the Judicial Laws, this maxim stated *the Judicial Laws of Moses are dead but not deadly*. But when they spoke of the Ceremonial Law, they said *the Ceremonial laws are both dead and deadly*. This last statement referred to the post-apostolic period (#2 above). When they spoke of that third period under the Apostles, they would say, *the Ceremonial laws are dead and at this time deadly, but for a time, they were dead but not yet deadly*.⁸⁰

⁷⁷ John Calvin's Commentary on Daniel 9:27 associated it with the timing of "the future devastation of the city and temple." John Calvin, *Commentaries on the Book of the Prophet Daniel*, trans. Thomas Myers, vol. 13, Calvin's Commentaries (Grand Rapids, MI: Baker Book House, 1998), 224.

⁷⁸ See Augustine (B): Letter 82 - to Jerome in Appendix D for a lengthy context on the subject.

⁷⁹ Aquinas, in reference to Augustine's *Letter 82* stated, "therefore Augustine (*Epist.* lxxxii.) more fittingly distinguished three periods of time. One was the time that preceded the Passion of Christ, during which the legal ceremonies were neither deadly nor dead: another period was after the publication of the Gospel, during which the legal ceremonies are both dead and deadly. The third is a middle period, viz., from the Passion of Christ until the publication of the Gospel, during which the legal ceremonies were dead indeed, because they had neither effect nor binding force; but were not deadly." Aquinas, *Summa*, I-II q.103 a.4 resp. Junius, though speaking specifically of circumcision as an abrogated ceremonial rite stated, "So, in the first period circumcision was a living sacrament. In the second period it was a body dying off, and then, shortly thereafter, a dead body. Finally, in the third period, in which we dwell, it is a rotting and deadly body because that which was simply dead in principle, by the progress of time in which the teaching of the gospel began to grow stronger, became deadly." Junius, *Mosaic Polity*, thesis 38, p. 163.

⁸⁰ See *Appendix D: Ceremonial Ordinances: Dead and Deadly* for a collection of quotations on this concept of indifference concerning the ceremonial law under the apostolic oversight of the early church until the time of the destruction of the city of Jerusalem and the Temple.

Dead

In this maxim, the term *dead* is applied equally to the Mosaic Judicial and Ceremonial Law. According to Westminster, the Judicial Law expired when the nation of Israel was destroyed in A. D. 70. The laws designed to govern Israel particularly as a commonwealth were annulled the moment she was destroyed. Accordingly, these laws were considered to be dead. Yet, because those laws were designed to govern civil conduct which is a common concern universally, these laws were not considered deadly if incorporated into the civil jurisprudence of other societies. As Thomson stated,

as for the judicial Law, it is not now binding as a Law; but if an Kingdom or Commonwealth should agree to make it, or any Part of it, a Part of their civil Constitution, there would be no Sin in so doing; yet we do not read of any Countries doing so.⁸¹

There was no harm in reinstating the Mosaic Judicial Laws, in part or whole, in another society with similar circumstances in which they are applicable. The need for justice is the same in every society and if a Mosaic civil precept provides a proper expression of the Moral Law to ensure justice in that similar circumstance, then there was no harm in doing so. Where the tension comes is when some seek to reinstate them simply because they were given through Moses.⁸² Therefore, as the maxim goes, the Judicial Law is *dead but not deadly*.

Generally, there is no controversy among Christian theologians as to the point in time for which the Ceremonial Law's abrogation took place. The moment of Christ's death, when the temple curtain was torn in two, is the definitive moment of abrogation (Mat. 50:50-51; Lk. 23:45-46). As Maynard stated,

The Ceremonies of the Law were to continue until Christ offered himself in sacrifice, and then they were to be taken away, and to give place to his all-sufficient Sacrifice: and accordingly the Lord Christ himself manifested in the flesh, and made under the Law, did in his own person observe the Ceremonies of the Law. But at his death, the veile of the Temple was rent in twain from the top to the bottom: which I conceive signified both the abolishing of legal Ceremonies, and the opening of the way into the heavenly sanctuary by the death of Christ.⁸³

⁸¹ Thomson, *Explication of Westminster Shorter Catechism*, Q.41.12, p. 92.

⁸² For an indepth discussion on several views known and debated during the days of the Assembly, see Burgess, *VL*, Lecture XVII, 164-174. This topic is taken up in greater detail in thesis chapter eight.

⁸³ Maynard, *LGR*, 78. Aquinas stated, "The mystery of the redemption of the human race was fulfilled in Christ's Passion: hence Our Lord said then: *It is consummated* (Jo. 19:30). Consequently, the prescriptions of the Law must have ceased then altogether through their reality being fulfilled. As a sign of this, we read that at the Passion of Christ *the veil of the temple was rent* (Matth. 27:51)." Aquinas, *Summa*, I-II q.103 a.3 ad 2.

At that moment, the Ceremonial Law was considered dead and no longer binding. This point of abrogation is so well established and defended by Christian theologians that no additional comments are required, and thus, it like the Judicial Law is considered dead.

Deadly

It is at this juncture that the maxim makes a distinction between the Judicial and Ceremonial Law. After the destruction of Jerusalem, the observance of ceremonial ordinances was considered deadly. William Gouge described these ordinances during this time as “not only idle and unprofitable, but mischievous and deadly: they do not only no good, but are un-utterably hurtfull.”⁸⁴ Likewise, William Twisse admitted that once Christ, as “the body,” had fulfilled those “shaddowes” and thereby had taken them away, they are now “called not onely *Mortua* but *mortifera*.”⁸⁵

The deadly nature of these ordinances after the apostolic age is grounded in the consequence of reinstating them. Reinstating them in part or whole results in a denial of Christ.⁸⁶ In the *Synopsis*, Polyander stated, “Regarding this law the axiomatic statement is true: ‘The ceremonial law is dead, and if it is returned to its former privileged status, it would be deadly.’”⁸⁷ Polyander and others simply meant by this maxim that if the Ceremonial Law was reinstated as ordinances prophesying Christ’s coming, they would deny that Christ has already come.

Several factors aggravate the heinousness of any form of reinstatement of these laws after the apostolic age. The first is that they were divinely designed to prophetically foreshadow Christ’s first Advent. During the apostolic era, the gospel was propagated, and the testimony of Christ’s appearing and atoning work was made known. After the Apostles, those who heard the

⁸⁴ Gouge, *Hebrews*, 10:9, Sect. 25, p. 441.

⁸⁵ Twisse, *Christian Sabbath Defended*, 130. *Mortua* means dead and *mortifera* means deadly. Junius acknowledged that “the time after the gospel was published publicly, at which time those legal ceremonies must be considered either as dead or even deadly.” Junius, *Mosaic Polity*, thesis 38. “Augustine’s quotation is cited as, Augustine, *Letters 1-99*, Letter 82, 2.16, p. 323.

⁸⁶ “The ceremonial law was that which did set down orders for direction in rites of outward worship, shadowing the grace of the gospel, (Heb. x. 1, &c.) of which the substance being now exhibited, those shadows are utterly abolished by the death of Christ ; and therefore the use of them now would be a kind of denial of his death.” James Ussher, *A Body of Divinity Or The Sum and Substance of the Christian Religion*, ed. Hastings Robinson (London: R. B. Seeley and W. Burnside: and Sold by L. and G. Seeley, Fleet Street, 1841), 250.

⁸⁷ Polyander, *SPT*, vol. 1, Disp. 18.47. Cf. Sproul, *Truths We Confess*, 425-26.

gospel and reinstated these foreshadowing ordinances denied that Jesus was the Messiah and instead testified the Messiah's appearance was still an anticipated future event. As Thomson stated in his exposition of the WSC, "[i]t is not lawful to observe the ceremonial Law, or any Part of it, now; because that would imply, that Christ is not yet come; which is contrary to the Gospel."⁸⁸ As Gouge stated it,

They deprive such, as trust unto them, of the most rich and precious jewel that ever the world had... Christ's sacrifice cannot be established unless they be abrogated. Christ's sacrifice was not added to those former, as if they standing could confer any help to Christ: but when Christ was to be established, they were taken away.⁸⁹

Secondly, by divine providence, the Temple was brought to an end during the destruction of Jerusalem. This providential prophetic event was contemporary with the gospel proclamation of the Messiah's appearance. Two divine witnesses were given during this time: the Spirit's witness to Jesus as Messiah in and through the evangelistic endeavors, and divine providence's destruction of Jerusalem and the Temple. Such divine confirmation given by propagation, prophecy, and providence should have certified the abrogation of the Ceremonial Law beyond all contestation. The rejection of Christ in light of so great a cloud of divine witnesses made any reinstatement of those laws lethal.

As the *Westminster Confession's* proof-texts and the *Annotations* reveal, Daniel 9 prophesied the "end of sacrifices and offerings" due to the destruction of "the city and the sanctuary," and Genesis 49:10 predicted the end of Judah's rule as concurrently taking place with Shiloh's appearance. Thus, several critical prophetic events were fulfilled during the forty years that elapsed between the crucifixion and the complete demise of Jerusalem. While Jews and Gentiles were gathering into the church under the gospel proclamation of Shiloh's appearance, Israel's commonwealth was failing by degrees; and its climactic end was also the ultimate cessation of the Ceremonial Law. The divine authority that prophesied the end of the city, sanctuary, and sacrifices also brought it to fulfillment by the instrumentality of the Roman army.

If the ceremonial ordinances were reinstated against all the prophetic and providential witnesses to their abrogation, it would be a denial of Christ and the gospel. As Junius stated, if

⁸⁸ Thomson, *Explication of Westminster Shorter Catechism*, Q.41.12, p. 92.

⁸⁹ Gouge, *Hebrews*, 10.25, Sect. 25, p. 44.

these ordinances were “exhumed” they would breathe out a deadly evil in the church of Christ.”⁹⁰ The “deadly evil” about which Junius spoke was a denial of Christ’s first Advent and atoning work that such ordinances would profess if disentombed and revived.⁹¹

Not yet deadly

The *process* of abrogation between Calvary and Rome’s devastation of Jerusalem is a middle period of unique transition. During this period, there was a two-fold rejection of Christ. The first was the rejection of Jesus as *savior*. Jews who rejected the gospel and persisted in their Mosaic customs through ignorance of the truth or hardened hearts against it held this view.⁹² The other was a denial of Christ’s *sufficiency* as the savior. Thus were the Judaizers who sought to bind the conscience with the Mosaic ceremonies by making them necessary for salvation in addition to faith in Christ.⁹³ As John Owen observed, during this time, nothing so divided and concerned the apostolic church as did the issue of the abrogation of the Mosaic Ceremonial Law.⁹⁴ The strife and contention caused within the apostolic church by this act of abolition led to a time of apostolic condescension regarding the ceremonial ordinances.⁹⁵

⁹⁰ Junius, *Mosaic Polity*, thesis 38, p. 163. Junius also stated, “The judicial commands that Moses handed down are dead, that is, no longer living in such a way as to obligate; but the ceremonial commands are deadly, that is, they cannot live any longer or be observed among the living without those who observe them becoming liable to death, just as Jerome and Augustine have said in their letters.” *Ibid.*, thesis 31, p. 129.

⁹¹ *Ibid.*

⁹² John Owen, *Exercitations on the Epistle to the Hebrews Also Concerning the Messiah Wherein the Promises Concerning Him to Be a Spiritual Redeemer of Mankind Are Explained and Vindicated, His Coming and Accomplishment of His Work According to the Promises Is Proved and Confirmed, the Person, or Who He Is, Is Declared, the Whole Oeconomy of the Mosaical Law, Rites, Worship, and Sacrifice Is Explained: And in All the Doctrine of the Person, Office, and Work of the Messiah Is Opened, the Nature and Demerit of the First Sin Is Unfolded, the Opinions and Traditions of the Antient and Modern Jews Are Examined, Their Objections against the Lord Christ and the Gospel Are Answered, the Time of the Coming of the Messiah Is Stated, and the Great Fundamental Truths of the Gospel Vindicated: With an Exposition and Discourses on the Two First Chapters of the Said Epistle to the Hebrews / by J. Owen* (London: Robert White for Nathaniel Ponder, 1668), 318.

⁹³ *Ibid.*, Comp. Turretin, *Institutes*, vol. 2, Topics 11-17, esp. 11. Q. XXV.X p.162.

⁹⁴ “There was nothing, in the first propagation of the gospel and plantation of Christian churches, that did so divide and perplex the professors of the truth, and retard the work of promulgating the knowledge of Christ, and the worship of God in him, as the difference that was about the continuation and observation of Mosaical rites and ceremonies.” Owen, *Exposition of Hebrews*, 46.

⁹⁵ Some like John Wallis referred to it as condescension while others noted that this allowance was done in Christian liberty in deference to the weaker Jewish believers who were raised under the teaching of these divinely instituted laws that had been mediated through Moses. In this sense, this allowance was lawful and done in prudence rather than disobedience. Wallis, *Christian Sabbath*, 52-74.

The Apostles navigated the church through very turbulent waters concerning the ceremonial ordinances. Even though Christ had abolished them, they were still practiced at the Temple among the Jews.⁹⁶ The Apostle Peter is a prime example of how difficult it was to walk uprightly under the pressure of living out the gospel's message of justification by faith alone for the sake of Gentile converts, while at the same time seeking not to crush the consciences of other Jewish Christians. Galatians 2:11-12 records how Peter stumbled under this pressure and was rebuked by the Apostle Paul.

On the one hand, the gospel's message needed guarding against the Judaizers who taught justification by adherence to the Mosaic Law (Acts 15:1); on the other hand, Christian Jews were sincerely wrestling with the validity of the abrogation of those ordinances. The struggle for these new Jewish converts was wrapped up in their understanding of God's divine authority and his worship. God had instituted these ordinances, and only by divine authority could they be abolished. Their consciences needed clear evidence of divine abrogation if they were to stop engaging in such ancient rituals instituted by divine authority. Likewise, as Owen stated, one of the reasons adding to the Jews' hesitancy to accept the abrogation of these ordinances was that the Old Testament set forth the glory of God's worship through the promises and prophecies found in these typical ordinances. As he stated,

many prophecies and promises of the Old Testament, setting forth the glory and beauty of gospel worship under the names and condition of the worship then in use, as of priests, Levites, sacrifices, offerings, feast of tabernacles, and the like, lay directly, in the letter, against that cessation of Mosaical rites which the Jews opposed.⁹⁷

One can perceive how the Jewish mindset would equate the abrogation of the Mosaic rites with an annulment of God's authority and worship or, at a minimum, an attack upon them. These two reasons alone elicited a deep resistance in the heart of the faithful Jew until they were fully understood in the light of the gospel.

⁹⁶ "But I answer further. The Jews who were not Christians, did yet continue to observe the Jewish Sabbath as a matter of duty. And there was no reason why they should not. For, while they did not acknowledge our *Christ* to be the *Messiah*, nor the *Mosaick* Law to be at an end, but Circumcision and the Jewish Oeconomy yet in force, there was no reason why they should not think themselves obliged to the Jewish Sabbath." Wallis, *Christian Sabbath*, 52. Cf. προσφερόντων in Hebrews 8:4 is a present active participle meaning there are priests who "are offering" sacrifices at the moment the epistle to the Hebrews was being written, which was the time after Christ's crucifixion and prior to A.D. 70.

⁹⁷ Owen, *Exposition of Hebrews*, 47.

Acts 15, 18, and 21: The Jewish Brethren

Within this tense context of transition, Acts chapters 15, 18, and 21 enter the investigation.⁹⁸ The Jerusalem council is recorded in Acts 15. Under their examination and decree, the Gentiles are spared the burdensome “yoke” of the Ceremonial Law (15:10), while at the same time Paul’s gospel of justification by faith alone apart from works of the law was preserved.⁹⁹ The Council also declared that Christian liberty and charity must be extended to struggling Jewish Christians. In Christ, these brothers and sisters were still conflicted over being fully convinced that the Ceremonial Law was no longer obligatory for them. As the Council emphasized, “For from ancient generations Moses has had in every city those who proclaim him, for he is read every Sabbath in the synagogues.”¹⁰⁰ As Wallis observed,

And many of the *Christian Jews*, who were not yet satisfied of the Abolition of the Mosaick Law, did comply with them therein. For knowing this to have been a law once, and not yet being fully satisfied that it was expired, they were content still to observe it (Jewish Sabbath)...And I find the Apostles willing to connive at it, and even to countenance it. Not as a thing *necessary*, but at least allowable.¹⁰¹

There are two opposing views concerning the actions of Paul in Acts 21:15-27 as he concedes to sacrifice at the Temple. The first is that he compromised the gospel, and the second is that he was justifiable in it due to the transitory nature of the period and the freedom he had to do so as a Jew. It must be remembered that when Paul was asked to participate, it was presented with the disclaimer that it in no way compromised what had been stated at the Jerusalem council in Acts 15 (see 21:25). Secondly, Paul's custom was to become all things to all men that by all lawful means he might win some to Christ (1 Cor. 9:19-22). As Paul said, “to the Jews I became as a Jew, in order to win Jews” (v.20). Under this principle, he had circumcised Timothy (Acts 16:3), and it was possible that under this same principle, he shaved his head after a vow in Cenchrea (Acts 18:18).¹⁰² Therefore, why should Paul not at this time also undergo a Nazarite vow to silence the slanderous and divisive accusations against him and his ministry? It was

⁹⁸ Cf. Philip Schaff and David Schley Schaff, *History of the Christian Church*, vol. 1 (Charles Scribner’s Sons, 1910), 352–60.

⁹⁹ Rom. 4:1-6; Gal. 3:8-14; Eph. 2:8-10; 2 Tim. 3:15; Heb. 4:2.

¹⁰⁰ Acts 15.21, *ESV*.

¹⁰¹ Wallis, *Christian Sabbath*, 52.

¹⁰² Matthew Henry stated, “Paul’s vow was for only seven days (Acts 21:27), or, rather, then he observed the ceremony of finishing that vow of Nazariteship from which, being at a distance from the temple, he had discharged himself some years before at Cenchrea only by the ceremony of cutting his hair, Acts 18:18.” Henry, *Commentary on the Whole Bible*, 193.

being said that Paul taught Jews who lived among the Gentiles to forsake Moses, forget circumcising their children, and ignore their long-held customs (Acts. 21:21). Add to this the upbuilding and ingathering of more Jews unto Christ and the silencing of the mischaracterization of Paul's ministry, and he had a good motive by which to proceed.

As for this transitory time, the moment Christ was crucified and his life taken from him, the old administration of the Covenant of Grace ended.¹⁰³ At that moment, the Temple veil was rent signifying that the way into the holy of holies was opened and full access through Christ given. This signal event marked the end of ceremonial ordinances such as sacrifices, clean/unclean laws, the earthly priesthood, and the need for a localized temple, etc. For those Jews bred up in these ceremonies, the transition was not as simple as flipping a switch. They had a lifetime of Mosaic instruction and adherence to wrestle with in their consciences before God. One can easily perceive such thoughts as, are we sinning against God who instituted these ordinances if we neglect them? Or, are mere men able to annul the ordinances which God instituted? If Christ is the fulfillment, are all the Mosaic ordinances wholly or in part repealed? Many such questions of conscience flowed throughout the communities of the righteous Jews like a torrent overrunning its banks. These were genuine issues of conscience for believing Jews who were alive and accustomed to the Mosaic traditions when Shiloh's appearance put an end to sacrifice and offering.

It was overwhelming to think that sacrifices were stopped. Sacrifices had been a part of earthly life since Adam and Eve and were instituted by God.¹⁰⁴ In a moment, all of this tradition is turned on its head, and participation in these rites is rendered vain. It is easy to see a clean break after two thousand years, but for those who had to decide the matter abruptly after 4,000 years of universal adherence, the issue was not so clear. Part of the contemplation was that sacrifices were warranted at one time, and such godly people as Able, Noah, Abraham, David, Solomon, the Prophets, John the Baptist, Mary, and even Jesus engaged in them. All of the Apostles had participated in them before the cross event. Yet, over four thousand years of universal practice was overturned at that moment under a single day's light.

¹⁰³ *WCF* 7.5.

¹⁰⁴ Dickson noted the abolition of the divinely instituted ceremonial ordinances and then referred to the Apostle Paul's argument (Col. 2:20-21 and Gal. 4:10-11), which moves from the greater to the lesser to exhort believer's against superstitious "institutions and ordinances of men." Dickson, *Truth's Victory over Error*, 116.

The immediate joy that rang out in heaven when *tetelestai* fell from Jesus's lips on the cross took much longer to process on earth.¹⁰⁵ An entire generation of Jews had to come to grips with the life-altering truth that the traditions that purposely set them apart from the rest of the world were now abolished (Eph. 2:14-16). The freedom that lay before them in Christ was a truth that must be understood before it could be enjoyed. Paul and the Jerusalem Council sought to protect the tenderness of Jewish conscience and the gospel's purity as those who came to faith in Christ struggled to understand and apply this freedom.¹⁰⁶ Therefore, even though the ceremonial laws were dead, they were not viewed as deadly during this transitional period.¹⁰⁷

Christian Distinctions Maintained

Even though Jewish Christians kept the Jewish ordinances imposed through Moses during the apostolic era, these Christians still intentionally tried not to blur the newly instituted Christian ordinances with the now-deceased Mosaic regulations. There were two ways they sought to do so.

Not According to the Jewish Manner

First, there was a conscious endeavor not to continue to comply with them according to the Jewish manner. Wallis stated that, during this time, as it pertained to the weekly ordinance of the Sabbath, Christians would observe alongside the Jews.¹⁰⁸ Still, as Thysius stated, they did so,

not out of necessity, but out of Christian liberty, economy, and a steadfast resolution not to be a cause for scandal among those who were weak. They practiced it with the Jews, but not in a Jewish manner, and they conducted solemn assemblies (Acts 13:14, 44; 16:13; 17:2; 18:4), obviously so that, as the ancients say, "the synagogue might be buried with due respect."¹⁰⁹

¹⁰⁵ *Τετέλεσται* (*tetelestai*) in Greek as found in John 19:30 is the indicative perfect passive 3rd singular of *τελέω* and is translated as "it is finished" (*ESV, NAS, NKJ, GNV, NIV, KJV, RSV, CSB*). *BDAG* lists this verse under the first of three definitions as meaning "to complete an activity or process, bring to an end, finish, complete." *BDAG*, *τελέω*.

¹⁰⁶ Acts 15.

¹⁰⁷ "while the first temple was yet standing in the daies of the Apostles, and Moses was not yet buried and quite taken out of the way: It was not convenient that the Apostles should chaunge the day of the Sabbath among the beleeving Iewes. Yea they themselves in Iudea and all places among the Iewes, kept the seventh daie: among the Gentiles the Lords daie." Walker, *DS*, 112. Moses' burial is referred to as being finalized by the destruction of Jerusalem and the utter destruction of the Temple where the ceremonial ordinances were so stringently connected. Walker had referred to this early on page 110 where he connected the two concepts. "& after the buriall of Moses, that is the utter abolition of all legall shaddows together with the materiall temple of the Jews." *Ibid.*, 110.

¹⁰⁸ *Ibid.* See also FN #110 on following page by John Ley.

¹⁰⁹ Thysius, *SPT*, vol. 1, Disp. 21.50.

The Christian Jews celebrated with their non-believing kinsmen with the motive of Christian liberty. There was a concession by those of a stronger conscience on behalf of the weaker.

For the Christian Jews, the Temple or synagogue service on Saturday was the former custom. This day also became a prime opportunity to share the gospel of Jesus Christ with their fellow non-believing Jews. It became a point of both worship and witness for the early church. In his defense for Sunday as the true Sabbath, John Ley quoted Bishop White and the Council of Carthage to prove that the primitive church had both “Jewes and Proselites in their Christian Assemblies” and made “Saturday of every weeke an holiday, upon the same reasons the Apostles had formerly done.”¹¹⁰ The purpose of these mixed assemblies was “the promulgation of the Gospel”; therefore, “they would not, or they durst not abolish or cancell all the ceremonies of the Jewes.”¹¹¹

While engaged in evangelism at these mixed congregational meetings, there was always the risk of compromising the gospel message of justification by faith alone apart from works. Paul was the central apostolic figure at the heart of this issue in the New Testament. His letters reflect how boldly he stood for the purity of justification by faith and how quickly he would lay aside his freedom for the salvation of others. As this close interaction between the two groups continued, great discernment was required to know what was appropriate in the moment. This tension becomes the sticking point for the difference between Paul’s circumcising Timothy and not Titus on his missionary journeys. As Wallis observed,

And though they did not think fit to bring a *new Yoke* upon the *Gentiles*, who had not before been obliged to the Jewish Law, (and therefore would not allow the *Gentiles* to be *Circumcised*; as appears by S. *Paul's* Epistle to the *Galatians*, and the Decrees of the Synod at *Ierusalem*, Act. 15.) yet he allowed the *Jews* to practise it (to whom it had once been a Law) and accordingly *Circumcised Timothy* Act. 16. because, though his Father were a Greek, yet his Mother was a Jew: (but he did not Circumcise *Titus*, *Gal. 2. 3.* for whom there was not the same reason.)¹¹²

¹¹⁰ John Ley (1583-1662), *Sunday a Sabbath, Or, A Preparative Discourse for Discussion of Sabbatary Doubts by John Ley* (London, Printed by R. Young, for George Lathum, at the signe of the Bishops Head in Pauls Church-yard, 1641), 161. Acts 21 reflects the ongoing ceremonial services at the Temple.

¹¹¹ Ibid. Ley’s explanation of these mixed assemblies was that “the Jewes being accustomed to assemble themselves together, they would then bee more willing to meet; and the Gentiles being now converts, would easily joyne with them, having no holidayes of their own to pitch upon, but such as were stained with odious idolatry; and so the apostles had the better opportunity to sow their sacred seed in larger fields, with better hope of greater fruit.” Ibid., 162.

¹¹² Wallis, *Christian Sabbath*, 52.

Distinctly Christian Ordinances

Secondly, some strictly Christian rites had no previous sanction under Moses and were kept entirely separate from the dead Mosaic ceremonies. This separation was especially true of the new Sabbath observance of Sunday (eighth day rather than seventh) and the two Christian Sacraments. As Wallis observed, one way they accomplished this separation of the eighth day Sabbath and the Sacraments was not to practice them at the Temple or synagogue. As Wallis stated,

As to what Services were peculiarly Christian (as *breaking of Bread*) they did it not at the Temple or Synagogues, but *at home, or from house to house*, Act. 2. 46. and on another day, the *first day of the Week*, Act. 20. 7.¹¹³

It is evident from this information that the church during the apostolic period carried a heavy burden due to this transition. The need to maintain the distinction while charitably walking with their weaker brothers and sisters added a greater weight of responsibility and duty. Therefore, under the Apostles' oversight concessions were made and these dead ceremonial rites were treated as issues of indifference instead of conscience binding laws. As such, during this middle period the ceremonial ordinances were dead but not yet deadly.

A. D. 70: The Full Stop of the Ceremonial Law

The process of abrogation, whereby Moses's ceremonial rites received their final graveside farewell, and the expiration process, whereby the Mosaic civil laws exhaled their last breath, coincided in A. D 70. Their annulment process may have differed, but the ultimate point of utter cessation for both happened in tandem due to the same event. For when the prophecies of Genesis 49:10 and Daniel 9:27 found ultimate fulfillment in the destruction of Jerusalem and the Temple, the Ceremonial Laws were forever entombed at that moment in history, and the Judicial Law lay suffocated alongside them. This one providential event achieved a wholesale termination for both legal corpora.¹¹⁴ James Fisher saw this providential act as another proof of divine abrogation for the ceremonial rites specifically and sought to prove it by stating,

¹¹³ Ibid., 74.

¹¹⁴ James Harper's 1905 exposition of the WSC gave an odd timing for the expiration of the Judicial Laws by connecting it with the death of Christ. He stated that "They were clearly intended for the Israelites as a distinct nation, and to continue authoritatively till the death of Christ." What is even more strange is that he then listed as proof "Gen. 49:10; Dan. 9:24-26." He has the correct proof-texts but the incorrect point of expiration (or simply mistakenly wrote judicial law rather than ceremonial law). Harper, *Assembly's Shorter Catechism*, Q. 40. q.38, p. 208.

From the utter destruction, many ages since, of the temple at Jerusalem, where only it was lawful to offer sacrifices; which adorable Providence would never have permitted, if these ceremonial institutions had been intended to subsist after the death of Christ.¹¹⁵

Even though the middle period was a time in which the Ceremonial Laws were dead but not deadly, there was a marked division between the Jews and the Christians after the fall of Jerusalem in A. D. 70. So explicit became this divide that, according to Ley, by the time of the Council of Laodicea (circa 368), Christians seeking to “Sabbatize with a Jewish cessation were forbidden upon the pain of an Anathema.”¹¹⁶ In like fashion, Gregory the Great referred to them as “Antichristian,” and Ignatius called them “killers of Christ.”¹¹⁷

Conclusion

A host of expositions of the Westminster Standards reflect the view of abrogation found in the *Savoy* and *London Baptist* confessions more so than the *Westminster*. Renowned Westminster expositors like Fisher, who stated, “the observance of the ceremonies themselves is abrogated by the death and satisfaction of Christ,” fall into this category.¹¹⁸ Others like William P. Mackay stated, “These (Ceremonial ordinances) were all done away in the Cross of Calvary, which fulfilled all types.”¹¹⁹ A. A. Hodge, with marked specificity, placed the moment of the Ceremonial Law’s abrogation as,

The instant of Christ’s death, the veil separating the throne of God from the approach of men ‘was rent in twain from the top to the bottom’ (Matt. xxvii. 50, 51), thus throwing the way open to all, and dispensing with priests and their ceremonial for ever.¹²⁰

Although assembly members can be quoted to the same extent of precision, it must be remembered that expositors of the *Westminster Confession* deal with the *Confession’s* particular statements, not the doctrine in general. Therefore, when assembly members are personally

¹¹⁵ Fisher, *Assembly’s Shorter Catechism*, Q. 40.q. 92.

¹¹⁶ Comp. with canons LXIV, LXX, and LXXI in *The Apostolical Cannons*, circa mid-fourth century. Although the dating is debatable, the emphasis of a strict division between Jewish and Christian worship is evident. (LXIV) “If any clergyman or layman shall enter into a synagogue of Jews or heretics to pray, let the former be deposed and let the latter be excommunicated.” (LXX) “If any bishop, presbyter, or deacon, or any onedivision of the list of clergy, keeps fast or festival with the Jews, or receives from them any of the gifts of their feasts, as unleavened bread, any such things, let him be deposed. If he be a layman, let him be excommunicated.” (LXXI) “If any Christian brings oil into a temple of the heathen or into a synagogue of the Jews at their feast, or lights lamps, let him be excommunicated.” Philip Schaff and Henry Wace, eds., *The Seven Ecumenical Councils*, reprint, vol. 14, Nicene and Post-Nicene Fathers, Second (Peabody, MA: Hendrickson Publishers, 1995), 598.

¹¹⁷ Ley, *Sunday a Sabbath*, 166.

¹¹⁸ Fisher, *Assembly’s Shorter Catechism*, Q. 40, q. 91.

¹¹⁹ Mackay, *Shorter Catechism*, 125.

¹²⁰ Hodge, *Westminster Confession*, 256.

writing on the point in time of abrogation, they are free to denote the death, resurrection, or even the ascension of Christ to the exclusion of other information. Cawdrey illustrated it by placing the time of abrogation when “God... put an end to all *Typicall* uses, by the coming of Christ in the flesh, and His suffering, and resurrection.”¹²¹ Mayard, as quoted above, pointed to the rent veil at Christ’s death, as did Hodge. Nonetheless, the confessional expositor does not have this luxury. They must purposely attempt to replicate the authorial intent, which in this case, was much broader than just the *point* in time and included the *process* that lasted until A. D. 70.

The Ceremonial Laws foreshadowed the person and work of Christ and they, like the Judicial Laws, were explicitly given to Israel. They had a definite beginning and also had a predetermined divine shelf-life. As typical, these laws pointed to the person and work of Christ who was to come. Once Christ appeared, these ceremonies were to cease. The purpose for which the Ceremonial Law was instituted had reached its fulfillment and was consequently abolished. Civil law was different. It was designed to accommodate the circumstances of Israel as a commonwealth. Accordingly, it regulated the relationships between the people within that nation. What is demonstrated by this fourth parallel is that the abolition of the Ceremonial and Judicial Laws are purposely described in different terms to properly depict the differing modes of annulment associated with each legal corpus. Abrogation describes the Ceremonial Law’s immediate and authoritative abolishment by Christ at the cross. Along with that decree, the purpose for which they were instituted had also run its course. In contrast, expiration denotes the annulment process that came by degrees over time but was finalized with the destruction of Jerusalem in A. D. 70. Even though the Ceremonial Laws had an abrupt annulment, a timely process existed in which they were allowed to fall away respectfully in light of their divine institution and the sensitive consciences of the converted Jews. This process also came to a close with the destruction of Jerusalem and its Temple in A. D. 70.

The *Confession*’s language concerning the Ceremonial Law’s abrogation included the abrupt annulment at Calvary, and the process of time ending with the Temple’s destruction. The familiar maxim that summarized both aspects of *point in time* and *process of time* was that though they were dead and deadly, they were for a time dead but not yet deadly. Westminster’s broad statement that they were “abrogated, under the new Testament” embraces the forty-year

¹²¹ Cawdrey, CSV, 121.

transition period, while the proof-texts present and defend both aspects of abrogation.¹²² This period of concession allowed Jewish believers an entire generation to wrestle with the reality of change brought about by Christ's atonement.

Westminster's wording to reflect this period of time was not unusual. Notice how closely Westminster's statement in 19.4 reflects the language and thought in the *Synopsis*,

Therefore in the New Testament, although the Jewish Sabbath along with the law of other commandments comprising rituals was abolished in the body of Christ and his crucifixion (Ephesians 2; Colossians 2), and although believers were freed from their bondage to them (Galatians 5), nevertheless the apostles, in conversing with the Jews, for a period of time maintained "the Sabbath- day," along with the other elements of the Law – not out of necessity, but out of Christian liberty, economy, and a steadfast resolution not to be a cause for scandal among those who were weak. They practiced it with the Jews, but not in a Jewish manner, and they conducted solemn assemblies (Acts 13:14, 44; 16:13; 17:2; 18:4), obviously so that, as the ancients say, "the synagogue might be buried with due respect."¹²³

In this comparison, two parallels are of importance. The first is their use of the similar broad language "in the New Testament."¹²⁴ The second is their identical Scripture texts pointing to the moment of abolition (Eph. 2 & Col. 2) accompanied by a discussion about the time of indifferent participation after that point. These similarities were incorporated into Thysius's explanation of that unique apostolic period when they celebrated the Sabbath with the Jews out of "Christian liberty" to avoid "scandal" so that "the synagogue might be buried with due respect."¹²⁵ Here also is a contextual demonstration of the Assembly's language within a context denoting this unique time beginning with the phrase "in the New Testament."¹²⁶

Even though this transitional period allowed the Jews to carry out these now indifferent rites, there was still a distinction between the believing and unbelieving Jews. Strictly Christian rites like the Christian Sabbath and Sacraments were observed apart from the unbelieving Jews and the Temple. It has been observed that this mixed celebration between the believing and unbelieving Jews continued at least until the Temple's destruction. After A. D. 70, the separation between them drastically increased.

¹²² *WCF* 19.3.

¹²³ Thysius, *SPT*, vol. 1, Disp. 21.50, p. 545.

¹²⁴ "In Novo itaque Testamento," *Ibid.*, vol. 1, Disp. 21.50, p.544.

¹²⁵ *Ibid.*, vol. 1, Disp. 21.50, p. 545.

¹²⁶ *Ibid.*

The *Savoy* and *London Baptist's* alteration of the wording to provide more specificity concerning the point of time in which the legal rites' abrogation took place did succeed. Yet, they also separated the two aspects of the Ceremonial Law's abrogation. Once the process of time was disassociated, its importance and impact within Scripture are also veiled. The New Testament is replete with references to the apostolic church's struggle with this issue. Altering the language or the proof-texts that linked them truncated the Protestant understanding of this providential order of events as captured by the *Westminster Confession* and elaborated on in their *Annotations*. It was affirmed that the Westminster Assembly, in accord with other Protestant theologians and their confessions, understood the civil and ceremonial laws as specifically given to Israel. They also viewed those particular laws as abolished differently by God. Yet, both found ultimate removal in A. D. 70 when Titus' army destroyed Jerusalem and its Temple. What remains to be investigated is that aspect of those abolished laws that seem to retain some binding force and are designated as either *general equity* or *divers(e) instructions of moral duties*.

CHAPTER 8: THE FIFTH PARALLEL – PART 1: GENERAL EQUITY OF MOSAIC JUDICIAL LAW

Samuel Rutherford accused Satan of starting the first “dispute concerning the equity of the Law.”¹ Agreed, but when Greg Bahnsen wrote his 1973 Master’s thesis at Westminster Seminary, he had no idea the controversial firestorm he would cause.² Although the dissertation earned Bahnsen a Th.M. at Westminster Seminary in California, the seminary later rejected his theological position.³ What started as a simple defense of God’s law became the theological position referred to as Theonomy.⁴ What upset the Reformed community was Bahnsen’s treatment of the Mosaic Judicial Law. In an attempt to present what he considered a view consistent with the *Westminster Confession of Faith*, Bahnsen sought to defend the abiding nature of the Judicial Law as it pertains to its underlying moral principles and penalties. To some, Bahnsen is a hero who recaptured a proper understanding of general equity and the abiding nature of those laws as reflected in the *Westminster Confession of Faith*.⁵ To others, Bahnsen transgressed Westminster’s understanding by seeking to reinstate the Mosaic civil code in a New Testament context.

Neither Bahnsen nor Theonomy are the focus of this thesis. Yet, his career was predominantly taken up with defending his view of general equity, which is part of the fifth parallel under investigation. Regardless of how one views Bahnsen, a debt of gratitude is due him because the controversy created a renewed focus on biblical law.⁶ With that focus,

¹ Rutherford, *Covenant of Life Opened*, 153. (Italics original).

² Bahnsen’s thesis was first published in 1977.

³ See William S. Barker and W. Robert Godfrey, eds., *Theonomy: A Reformed Critique* (Grand Rapids, MI: Academie Books, 1990) written by many of the faculty of Westminster Seminary. In this book, some take a hard line against Bahnsen’s view while others appear more favorable while avoiding any outright endorsement of it.

⁴ The word Theonomy means *God’s law* and is derived from the two Greek words θεός (*theos*) meaning God, νόμος (*nomos*) meaning law.

⁵ Adherents to Bahnsen’s view (or some form of it) include Joe Morecraft III, Gary Demar, Kenneth Gentry, Francis Nigel Lee, Gary North, Steve C. Halbrook, Buddy Hanson and Daniel F. N. Ritchie. Some who oppose Bahnsen are found in *Theonomy a Reformed Critique*. Yet, within that book, some like John Frame and Moses Silva take a very benign approach to critiquing the view.

⁶ Another controversial work on the law published in 1973 was the first volume of Rousas John Rushdoony entitled *The Institutes of Biblical Law*. Bahnsen is associated with Theonomy, while Rushdoony is associated with

questions and investigations of biblical law evolved that continue until today. What concerns this thesis is not Bahnsen’s view but what Westminster meant by the term *general equity*. Once Westminster’s understanding is grasped, then, and only then, can anyone critique Bahnsen or his opponents to determine which is truly aligned with Westminster.

The final two investigative chapters examine the fifth parallel concerning the perpetually obligating element within each legal corpus (instructions of moral duties/general equity). In this chapter, the investigation considers general equity as found in the Mosaic Judicial Law.

5 Parallels	WCF 19.3: Ceremonial	WCF 19.4: Judicial
Parallel 1	“God was pleased to give”	“he gave” (God)
Parallel 2	“to the people of Israel, as a Church under age”	“To them also, as a Body Politique” (Israel)
Parallel 3	“Ceremoniall Laws”	“sundry Judicial Laws”
Parallel 4	“now abrogated under the new Testament”	“expired together with the State of that People”
Parallel 5	“partly, holding forth divers instructions of moral duties”	“not obliging any other now, further than the general equity thereof may require”

Confessional Comparison

As with the other statements within paragraphs 19.3 and 4, the chart below compares the *Savoy Declaration* and *London Baptist* confessions with Westminster, followed by a comparison chart for the proof-texts.

Christian Reconstruction. The two theological ideas are many times conflated but must be distinguished. Some critiques of Bahnsen’s theonomic views end up as critiques of Christian Reconstruction. Cf. Timothy J. Keller’s article in *Theonomy: A Reformed Critique*, 263-94.

WCF — Chapter XIX: Of the Law of God	SDFO — Chapter XIX: Of the Law of God	LBCF 1677 — Chapter XIX: Of the Law of God
4. To them also, as a Body Politique, he gave sundry Judicial Laws, which expired together with the State of that People; not obliging any <u>other now, further than the general equity thereof may require.</u> ⁸	4. To them also he gave sundry Judicial Laws, which expired together with the State of that people, not obliging <u>any now by vertue of that institution, their general equity onely being still of moral use.</u>	4. To them also he gave sundry judicial Laws, which expired together with the state of that people, not obliging <u>any now by vertue of that institution; their general (i) equity onely, being of moral use.</u>

WCF (19.4) (g)	LBCF 1677 (19.4) (i)
Exod. 21. Chapter; Exod. 22.1-29	Omitted
Gen. 49.10. with 1 Pet. 2.13,14	Omitted
Mat. 5.17. with vers. 38, 39. ⁷	Omitted
1 Cor. 9:8-10⁸	1 Cor. 9:8-10

Textual Comparison

The comparison reveals that the *Savoy* and *London*'s alterations do not reflect a difference in theology but rather a perceived needed clarification. All three confessions agree that Israel's Judicial Law "expired" with national Israel and that only the "general equity" remains obligatory. Yet, the *Savoy* and *London* added the phrase "not by vertue of that institution" conveying that these laws are in no way binding due to the *authority* or *power* of the institution of Israel.⁹ The phrase "that institution" points back to national Israel, leaving no

⁷ **Matthew 5:17, 38, 39** "Think not that I am come to destroy the Lawe, or the Prophets. I am not come to destroy them, but to fulfill them. ³⁸ Ye haue heard that it hath bene sayd, An eye for an eye, and a tooth for a tooth. ³⁹ But I say vnto you, Resist not euill: but whosoever shall smite thee on thy right cheeke, turne to him the other also."

⁸ **1 Cor. 9:8-10** "Say I these thinges according to man? saith not the Lawe the same also? ⁹ For it is written in the Lawe of Moses, Thou shalt not mussell the mouth of the oxe that treadeth out the corne: doeth God take care for oxen? ¹⁰ Either saith hee it not altogether for our sakes? For our sakes no doubt it is written, that he which eareth, should eare in hope, and that he that thresheth in hope, should be partaker of his hope."

⁹ The following quotes from a mid-seventeenth century English dictionary reveal contexts where the meaning of "vertue" (virtue) implies *authority* or *power* although this is not the full range of lexical meaning for the word. "*Chorall*, a law-term, one that by vertue of the ancient orders of the Clergy was admitted to serve God in the quire." "*Conservator* of the peace, signifieth in Common law, him that hath a special charge by vertue of his office,

ambiguity about the intended commonwealth. The words “by vertue of” imply *by power of* or *by authority of* that institution. Their omission of “other” removes the idea that although no other nation is bound, Israel may still be.¹⁰ Therefore, by omitting “other” it implies no commonwealth, *including Israel*, is now bound by them.¹¹

The other obvious alteration is the amended concluding phrase. The *Savoy* and *London* sought to clarify what Westminster meant by the required obligating force of general equity. The *Savoy* highlighted the common understanding that “onely” the “moral” aspect of the Judicial Law (its “general equity”) is “still” of “use” even though the actual case law had “expired.”¹² The *London* did not use the word “still” but intended the same.¹³ Later versions of the *London Baptist Confession* exchanged the word “moral” for the word “modern.”¹⁴ It seems the former phrase, “being of moral use,” is a clarification of what is meant by “general equity” and its moral/perpetual and universal application.¹⁵ The latter phrase, “being of modern use,” is also a clarification supporting the understood meaning of “general equity,” which assumes the general principles always have a “modern use” for every age due to their moral/perpetual and universal nature.¹⁶ If this interpretation is correct, then great unity existed between English Presbyterians, Independents, and Particular Baptists on this point, and confessional clarifications were made to better express their common belief.

to see the Kings peace kept.” “*Efficacie*, (lat.) vertue, ability, also force, urgency in speech.” “*Hierarchie*, (Greek) a spiritual government, also the holy order of Angels, which consisteth of nine degrees, *Seraphims*, *Cherubims*, *Thrones*, *Dominations*, *Principalities*, *Powrs*, *Vertues*, *Arch-Angles*, and *Angels*.” “*Lodestone*, as it were a leading-stone, because by it Mariners are guided and directed in their voyages: It is of a rusty-iron colour, and hath the vertue to attract or draw iron to it, whereby many admirable secrets are performed.” “*Maronean wine*, a sort of wine made at the City *Maronea*, of great vertue and strength.” Edward Phillips, “*The New World of English Words, Or, A General Dictionary Containing the Interpretations of Such Hard Words as Are Derived from Other Languages ... Together with All Those Terms That Relate to the Arts and Sciences ...: To Which Are Added the Significations of Proper Names, Mythology, and Poetical Fictions, Historical Relations, Geographical Descriptions of Most Countries and Cities of the World ...*” (London: E. Tyler for Nath. Brooke, 1658), Chorall, Conservator, Efficacie, Heirarchie, Lodestone, Maronean wine, Early English Books Online.

¹⁰ WCF 19.4.

¹¹ Ibid.

¹² *Savoy*, 19.4. Contextually, it appears the word *moral* intends *perpetual* rather than *ethical*. This is supported all the more by the common understanding of general equity and the 1689 ed. of the *London Baptist Confession of Faith* which exchanged the word “moral” for the word “modern” as discussed below.

¹³ Ibid.

¹⁴ Cf. *London*, 1689, 19.4.

¹⁵ *London*, 1677 19.4.

¹⁶ *London*, 1689, 19.4.

Proof-Text Alterations For 19.4

The above chart demonstrates the *London Baptist Confession* omitted all but the final proof-text (1 Cor. 9:8-10).¹⁷ By retaining the reference to 1 Corinthians 9:8-10, they preserved Westminster's New Testament example of "general equity" as an underlying moral principle rooted in Natural Law that remains even though the case law has expired.¹⁸ The remainder of this chapter will explore the confessional understanding of general equity as a perpetual principle of Moral Law and its relation to a particular precept or case law.

General Equity Defined

Equity in General

To understand the Assembly's meaning of "general equity," one must first understand the mid-seventeenth century meaning of equity *in general*.¹⁹ Equity, as it concerns the interactions between people, entails just or right treatment.²⁰ The *OED* considers as its "concrete" meaning "[w]hat is fair and right; something that is fair and right."²¹ This concrete meaning underlies equity in all of its contexts. Thus applied to judicial laws, it refers to just, righteous, and fair precepts concerning a civil society's outward behavior by which it may best govern itself.²²

¹⁷ The purposeful intention of any proof-text omission or addition is admitted to in the *London*, 1677 ed. which is where they first appeared. They stated in their preface to the reader, "We have also taken care to affix texts of Scripture, in the margin for the confirmation of each article in our confession, in which work we have studiously indeavoured to select such as are most clear and pertinent, for the proof of what is asserted by us." *London*, 1677, see Preface to the Reader.

¹⁸ *Ibid.*

¹⁹ *WCF* 19.4.

²⁰ The *OED* first defines equity as "The quality of being equal or fair; fairness, impartiality; even-handed dealing." "*OED*," Equity, n. *OED*, accessed on 2/2/2022. *HALOT* noted the use of מִישָׁרִים in Prov. 2:9, which is translated in the *KJV* as "equity" as meaning "integrity rectitude." *HALOT*, מִישָׁרִים. *BDB* defined it in this context as "in ethical sense, uprightness, equity." *BDB*, equity.

²¹ "*OED*," Equity, n. accessed on 2/2/2022.

²² This meaning is reflected in Gouge's exposition of Hebrews 1:8, where he stated the Apostle sets forth the "dignity" and "equity" of Christ's scepter.²² Gouge understood "equity" as implying "that the King who swayeth that Scepter, ordereth all things in his Kingdom most justly and righteously." Elaborating further, he said, "This phrase a *Scepter of righteousness* is a rhetorical phrase, very elegant and emphaticall: It implieth a most just and equall ordering all things in the Kingdom, so as nothing but that which is right, without all appearance of any unrighteousnesse, is to be found in Christs administration of his Kingdom." Gouge, *Hebrews*, 1:8, Sect. 111, p. 75.

General Equity

Although equity in general means just, right, and fair; *general equity* has a particular meaning in jurisprudence, which the *OED* provided as its third definition,

[t]he recourse to general principles of justice (the *naturalis aequitas* of Roman jurists) to correct or supplement the provisions of the law. **equity of a statute:** the construction of a statute according to its reason and spirit, so as to make it apply to cases for which it does not expressly provide.²³

As discussed in chapter three, the general equity of a statute relates to the general principles of Natural Law upon which all statutes are constructed. J. V. Fesko equated the two by stating that “*general equity* is another term for *natural law*.”²⁴ Accordingly, Rutherford referred to general equity as “the Law written in the heart, and these inbred principles of honesty and truth, to *hurt none, to obey God*.”²⁵ David Dickson boldly affirmed that “all the precepts of the moral law belong to the law of nature, naturally engraven upon the hearts of men, which cannot be abrogated.”²⁶ Therefore, general equity refers to Natural Law’s moral/perpetual principles of justice and righteousness which are applied to circumstances to ensure justice and righteousness.

Synonymous Phrases

Because *general equity* pertains to justice or rightness derived from Natural Law, one often finds synonymous phrases such as *natural equity*, *common equity*, or *public equity*.²⁷ They also spoke of *natural*, *common*, or *public law* in reference to general equity, with each term

²³ “*OED*,” Equity, *n.* accessed on 2/2/2022.

²⁴ Fesko, *Westminster Standards*, 278.

²⁵ Rutherford, *Covenant of Life Opened*, 153.

²⁶ Dickson, *Truth’s Victory over Error*, 119.

²⁷ Gouge even referred to it as “generall common equity” at one point. Gouge, *Hebrews*, 7, Sect. 17, p. 130. Only these three synonyms are formally noted. Other synonyms were used for Natural Law. As an example see Althusius, *On Law and Power*, Book 1. 13. 6-11. Under these sections, Althusius first distinguished between “natural or common law and civil or individual law” (13.6). He noted how others had synonymously referred to common law as “the law of nations, or civil law – that is, law common to all people or the law of an individual population. In another place it is even called natural justice or civil justice. It is also called natural law or proper law” (13.10). Others referred to Natural Law as “the law of nature...natural reason, the silent law, the law that nature provides to the human race, the rule or law of God, or the immutable law” (13.13). Assembly member Robert Harris appears to equate Natural Law with “common equity” as does Gouge. Robert Harris, *The Works of Robert Harris, Two Sermons, Wherein We Are Taught, First, How to Get; Secondly, How to Keep; Thirdly, How to Use a Good Conscience* (London, 1654), 88; Gouge, *Hebrews*, 7:7, Sect. 39, p. 148. See also Alexander Henderson’s use of “common equity” in his sermon to Parliament 1644, where he appeals to common equity as a motive of reformation. Alexander Henderson, *A sermon preached to the honourable House of Commons at their late solempne fast, Wednesday, December 27, 1643 by Alexander Henderson*, 19. Thomas Young stated, “for it is most agreeable to natural equity, that as well the time for performance of the worship, as the worship it self should be defined.” Young, *Lords Day*, 120.

emphasizing a different aspect of it. Therefore, natural equity highlights the naturally inherent law written upon humanity's heart as derived from Natural Law.²⁸ Common and public equity refer to the universal principles of equity common to all and understood as the standard for public righteousness and justice. One may discern some overlap, yet; together they emphasize general equity's origin, recipients, and end.

Functions of General Equity

Equity employed in a legal context has two primary functions: The *constitution* of all laws, and the *circumstances* of all constituted laws.²⁹

Constitution of Precepts

For assembly members, general equity's first function is the *constitution* of all laws. Statutes formed upon general equity are conclusions of Natural Law by which its general principles are applied more particularly to varying circumstances.³⁰ Every statute must accord with and be necessary for expressing a moral principle of God's Natural Law. Stated another way, formulated laws must express the rule or spirit of justice that Moral Law demands as expressed in Natural Law's general principles. Natural Law's equity becomes the aim of every constituted law. On this basis, Calvin held that "there are two things connected with all laws," which are "the enactment of the law and the equity on which the enactment is founded and rests."³¹

Westminster's understanding of general equity preserved Moral Law's objective nature as the only valid foundation of all laws. God has determined, distinguished, and defined good and evil in his Moral Law.³² Only God's Moral Law is objective, perpetual, and equitable and consequently suitable as the foundation for all constituted laws. Every statute constituted to

²⁸ In speaking of the abiding force of the Moral Law, David Dickson stated, "Because all the precepts of the moral law belong to the law of nature, naturally engraven upon the hearts of men, which cannot be abrogated, but oblige all men perpetually, and necessarily, from natural reason itself, Rom. ii 15." Dickson, *Truths Victory over Error*, 119.

²⁹ The *OED*'s definition alluded to both functions.

³⁰ See chapter three under Moral Law's expressions.

³¹ Calvin, *Institutes*, 4.20.16.

³² "The Law which God first gave to man for his obedience is 'commonly called Moral.' This is because it is understood that God had determined that the goodness or wickedness of man's thoughts, words and actions, is to be determined according to their degree of conformity or violation of these laws." Chua and Lim, *The Westminster Confession of Faith with Pastoral Comments*, 147.

express Natural Law's equity seeks to express the perpetual, objective equity (justness, fairness, righteousness) of Natural Law's moral principles.

Circumstances Requiring a Precept

Circumstances differ from one place and time to another. Different circumstances within different cultures demand different case laws. Such basic issues as murder, lying, theft, etc., will produce very similar case laws between societies, and at times, some that are identical. Yet, the circumstantial differences among commonwealths, such as geographic locations, cultures, developmental progress, technology, economics, war, etc., demand different case laws to justly address those circumstances. As circumstances change over time within civil societies, those changes require amending and updating the legal code to accord with the new circumstances. Consequently, a uniformity of legal regulations among every nation is not required to uphold God's moral and ethical demands. Based on circumstantial variants, Calvin defended the warrant of diversity among different legal systems. By affirming such diversity was warranted and necessary, Calvin espoused that those laws should not be rejected "provided they all alike aim at equity as their end."³³ What is needed is a proper application of Moral Law to all the varying circumstances. Therefore, the importance of circumstances within jurisprudence is crucial. This importance leads to the second function of upholding a constituted law's equity in every *circumstance*. Whereas the first function demands general equity act as the foundation for all formulated statutes; the second function demands *common equity judge the validity of any formulated statute*.³⁴ Two common ways societies violate this second function are through *unjust laws* and *irregular circumstances*.

Unjust Laws

Equity's first and primary function is to perpetuate the justness of God's objective Moral Law. Thus, legislators who create laws *contrary* to Moral Law violate the purpose of laws

³³ Calvin, *Institutes*, 4.20.16.

³⁴ The *OED*'s fourth definition of equity highlights this function by stating, "In England (hence in Ireland and the United States), the distinctive name of a system of law existing side by side with the common and statute law (together called 'law' in a narrower sense), and superseding these, when they conflict with it." "*OED*," Equity, *n.* accessed on 2/2/2022.

thereby creating laws that are invalid.³⁵ As Assembly member Richard Byfield said, “[T]he custome of Nations, cannot, nor must derogate from a Law of Nature.” Further down he stated,

but if Nations should constitute any thing against any duty in the ten Commandements, it is not a Law: for that is no Law which is not just and right; it is perversenesse, no Law: it is not Law, but lees, but strife, but a destroyer, but error, but tyranny, any thing rather than Law, as all the learned conclude.³⁶

Thus, when lawmakers strive to formulate all their laws as correctly inferred conclusions from Natural Law’s principles (or any of God’s Moral Laws in Scripture) they are faithfully seeking to ensure justice in those specific circumstances.³⁷

Sadly, humanity’s fallen condition inevitably leads to human laws that are not correctly or purely inferred from Moral Law. The *OED*’s definition references the “recourse” or appeals to the moral principles of Natural Law.³⁸ Humanity naturally possesses a standard of justice by these inherent principles.³⁹ They appeal to natural equity when perceived violations occur. As a result, jurists and legislators must purposely carry out their duties by seeking to constitute and enforce only those laws which comport with Moral Law. For instance, Richard Byfield refuted an author who equated the subjection of slaves to their masters with that of the master’s cattle. Byfield responded, “This is abhorring to Christians, to naturall eares: no slave is so the masters. It fights with that Rule, *Whatsoever yee would that men doe unto you, even so doe yee to them, Mat. 7:12.*”⁴⁰ Byfield’s argument emphasized the aggravated abhorrence of it by appealing to the known Natural Law principle repeated in Matthew 7:12. On the following page, he also noted that it “fights with the eternall Law in the fifth Commandement.”⁴¹ Therefore, such laws were deemed invalid. These immoral statutes stem from a decline in moral integrity within a

³⁵ Magistrates who formulate and enforce unjust laws cause people’s consciences to recoil. This reaction is especially true for the regenerate, who have God’s law rewritten in their hearts more clearly at regeneration. See *Westminster Annotations* on Jeremiah 31:33. Also see Ezekiel 36:25-27; Psalm 32:3-5, 8; 51:6, 10; Ephesians 2:10.

³⁶ Byfield, *Doctrine of the Sabbath Vindicated*, 47

³⁷ As Junius affirmed, “all pious people are certain that there is absolutely nothing from Moses, and not even in the political and judicial laws, except what has been produced purely from its principles and from God its author.” Junius, *Mosaic Polity*, thesis 15, p. 76. For a more detailed discussion of proper inferences, see Junius’s fuller discussion. *Ibid.*, thesis 15, p. 75-78.

³⁸ “*OED*,” Equity, *n.*, accessed on 2/2/2022.

³⁹ Two clarifications are requisite to this statement. Knowing what is right and doing what is right are not the same. One may know to do right but not do it, nor have the ability to do it (Cf. Romans. 1:18, 2:5, John 8:43, Isaiah 44:18).

⁴⁰ Byfield, *Doctrine of the Sabbath Vindicated*, 32.

⁴¹ *Ibid.*, 33.

society, not valid circumstantial changes. Conversely, the circumstance of moral decline demands laws that protect and promote morality rather than defy it.

Irregular Circumstances

Not every law violating general equity is the legislator's fault. Violations by *irregular circumstances* also occur. Since equity is the aim of any statute, if it fails to secure that goal due to an irregular circumstance, then at that point, the letter of the law is replaced by the spirit of the law. The spirit of the law is the general equity initially intended.⁴² General principles and general equity are adaptable to every circumstance. It is futile and unnecessary to try to produce laws for every possible circumstance.⁴³ Equally true is that no single statute fits every circumstance conceivably related to it. Thus, God's infinite wisdom provided not only some particular moral statutes; he also gave universal general principles for achieving equity in any and all circumstances. When a law fails to reflect Natural Law's equity, either as a failure by the legislator or because of irregular circumstances, the spirit of that law (i.e. its general equity) supersedes its letter or literal reading in that particular case.

When these rare irregular circumstances appear, they must be addressed. In some cases, it requires appealing to general equity for that particular situation only. At other times, the legislator constitutes new laws addressing the problem for that situation and those known to arise in the future. Even Israel's newly formed civil laws were not immune to unique circumstances demanding adjustments or additions to ensure equity in every case. The circumstances surrounding the daughters of Zelophehad and Israel's inheritance laws in Numbers 27 and 36 illustrate the point. Zelophehad had no male heir, only daughters (Num. 27). Surely, this circumstance would not be unique to Zelophehad's family throughout Israel, so a new statute was produced allowing daughters in such cases to inherit their father's estate (Num. 27:8).⁴⁴ This new law led to a conflict in the tribal divisions (Num. 36). For if the daughter who inherited the

⁴² "equity is the mind of the law. Now so great is its equity that it is both the aim and rule and end of all laws." Turretin, *Institutes*, vol. 2, 11.22.3.

⁴³ Junius addressed this issue both in general and as it pertains to the Judicial Law given by God through Moses in theses 10-11. Junius, *Mosaic Polity*, 66-69. Comp. "But if God set forth specific laws to apply to every conceivable human exigency, the Bible would be larger than a multivolume encyclopedia." Sproul, *Truths We Confess*, 419.

⁴⁴ At the same time, God also provided legislation for the man who died with no heir at all. In this circumstance, the dead man's brothers inherited his estate (Num. 27:9). If he had no brother, then it went to his uncles (Num. 27:10). If he had no uncle, it was then transferred to his nearest living relative (Num. 27:11).

land married outside of her tribe, the land was then considered part of her husband's tribal land, thereby creating future chaotic tribal boundaries and diminished tribal inheritance throughout Israel (Num. 36:1-5). Therefore, a second statute was constituted that satisfied both unique circumstances: the female heir could only marry within her tribe (Num. 36:6). The two case law additions provided just and righteous legislation for the father with no male heir and secured Israel's tribal land divisions for the rest of the nation.

Westminster understood general equity as the moral grounds for constituting all just and valid laws. In addition, as general principles, they are adaptable to all life's varying circumstances. As God's moral objective standard, it supersedes all unjust laws. Likewise, it supplants the case law when irregular circumstances arise that create inequity if the letter of the case law is followed. So when the *Westminster Confession* speaks of the expiration of Israel's Judicial Law, yet, refers to its general equity, it has made a distinction between Israel's temporary case laws and the perpetual moral principles underlying them. The moral/perpetual principles remain, not the case laws constituted on them. As Perkins observed, "the *judicial law*, though it be abrogated unto us, so far forth as it was peculiar to the Jews, yet, as it agrees with common equity, and serves directly to establish the precepts of the moral law, it is perpetual."⁴⁵

Expositional Affirmation

Expositions of the Westminster Standards reveal that general equity, as used by Westminster, is understood to accord with the definition above. Thomas Boston stated,

Before the law was given at Sinai, all the race of Adam had a law written in their hearts, even the light of reason, and the dictates of natural conscience, which contained those moral principles concerning good and evil which have an essential equity in them.⁴⁶

When Boston addressed the Judicial Law directly, he stated, "Yet, does it not bind other nations farther than it is of moral equity, being peculiarly adapted to the circumstances of that nation."⁴⁷

These quotes affirm the understood relationship between general equity, Natural Law, and the Moral Law inscribed upon the human heart at creation. Boston also acknowledged general equity's principles by referring to "those moral principles" and their particular adaptation in

⁴⁵ Perkins, *Works*, vol. 4, 249.

⁴⁶ Boston, *Commentary on the Shorter Catechism*, vol. 2, 60.

⁴⁷ *Ibid.*, 61.

jurisprudence to specific “circumstances.”⁴⁸ By doing so, he acknowledged the need for case laws which are distinct from the general equity upon which they are constituted.

Expositors James Fisher and Robert Shaw taught that anything in the Judicial Law that pertained to the Jewish nation particularly was wholly abolished.⁴⁹ They also held that “in so far as it contains any statute, founded in the law of nature, common to all nations, it is still of binding force.”⁵⁰ James Harper’s exposition of WSC Q. 40 first defined Judicial Laws and denied they (Israel’s) are of “universal obligation.”⁵¹ He then asked, “Yet are not the general principles of equity which pervade this law binding on all who know them? Yes; but they are binding in virtue of the moral law which underlies them.”⁵² Likewise, Alexander Paterson stated, “[a]s far as this [judicial] law respects the peculiar constitution of the Hebrew nation, it is entirely abrogated; but as far as it contains any statute founded in the law of nature common to all nations, it is still obligatory.”⁵³

John MacPherson provided another synonymous phrase, while also equating Natural Law’s general principles with general equity. In his exposition of the WCF, he referred to the “principles of eternal justice” that “appeared in those laws.”⁵⁴ These “principles of eternal justice” are what “are now obligatory...because of their own nature” and not because God gave them through Moses to Israel.⁵⁵ Lastly, Ashbel Green’s brief and clear explanation of the issue states,

Some of these judicial laws, however, did not relate to the Jews as a peculiar people, but had their foundation clearly in the law of nature itself. This is, by no means, of small

⁴⁸ Ibid. 60-61.

⁴⁹ Fisher, *Assembly’s Shorter Catechism*, Q. 40. q. 96; Shaw, *Exposition of the Westminster Confession*, 197.

⁵⁰ Ibid. The quote is taken directly from Fisher and the language so similar, it appears that Shaw adapted his entire statement of abrogation and general equity’s abiding force from Fisher.

⁵¹ Harper, *Assembly’s Shorter Catechism*, Q. 40, q. 37-39, p. 208.

⁵² Ibid., Q. 40, q. 39.

⁵³ Paterson, *Concise System of Theology*, 161. Paterson had equated the Moral Law with the “law of nature” three pages earlier. Ibid., 158. John McDowell stated, “some [statutes] were founded in the nature and fitness of things, and are therefore obligatory on all nations: and have been introduced into the code of all well regulated governments, down to the present time. Others arose out of the local circumstances of the Jewish nation, and were binding only upon them.” John McDowell, *Theology in a Series of Sermons in the Order of the Westminster Shorter Catechism*, vol. 2 (Elizabeth-Town: Printed and Published by M. Hale, 1825), 68.

⁵⁴ John Macpherson, *The Westminster Confession of Faith, with Introduction and Notes by The Rev. John MacPherson, M. A.* (Edinburgh: T. & T. Clark, 38 George Street, 1958), 119.

⁵⁵ Ibid.

importance to be observed: because, although the judicial law, given by Moses, is completely abrogated, so far as it respected the peculiar constitution of the Jewish nation, yet, so far as it contains any statute founded in the law of nature, common to all nations, it is still of binding force.⁵⁶

A twofold unity of commentators on the Westminster Standards exists. First, the Judicial Laws as case laws specifically given to Israel through Moses were abrogated. Secondly, within those laws is a general equity grounded in Natural Law, which is moral and, therefore, perpetually binding. Thus, it is crucial to distinguish within civil precepts those aspects particular to national Israel and the general equity drawn from Natural Law. Whatever was particular was a conclusion drawn from the principles of Natural Law and applied specifically to Israel to govern her as a commonwealth. Those same precepts contained a common equity upon which they were constituted, and only that moral aspect of the law continues to bind.

General Equity Distinguished

To gain a better understanding of general equity, some of its related allies need observing and comparing. Some are so closely related to general equity they may be mistaken for it. As when discovering one twin has a unique scar, seeing each one's unique quality makes identifying them much easier. The four allies presented are *customs*, *courts of equity*, *lifnim-mi-shurat-hadin*, and the *ladder of abstraction*.

Customs

Gouge demonstrated the close relationship between general equity and customs when discussing the concept of wills or testaments. In doing so, he referred to “the **common equity** of ratifying wils, by the death of the testator.”⁵⁷ He followed the statement by saying this practice “was the **common custome** of all people in all ages.”⁵⁸ Thus for Gouge, general equity and custom are both associated with the practice of wills and testaments. The English word “custome” is derived from the word “cust” meaning “choice, moral excellence, character.”⁵⁹ The

⁵⁶ Green, *Lectures on the Shorter Catechism of the Presbyterian Church in the United States of America, Addressed to Youth* by Ashbel Green, 19.

⁵⁷ Gouge, *Hebrews*, 9:18-22, Sect. 97, p. 374. (emphasis additional).

⁵⁸ *Ibid.* (emphasis additional).

⁵⁹ A. L. Mayhew and Walter Skeat W., “A Concise Dictionary of Middle English from A.D. 1150 to 1580” (Oxford: Clarendon Press, 1888), cust, Google.

derivative “custome” meant “a public due.”⁶⁰ It is a logical step to see how a choice of one action above others for achieving moral excellence led to a custom within a society and became the “public due” or duty among that people.⁶¹ The habitual repetition of the choice becomes the traditionally established practice or custom.

Customs primarily fall into the realm of *adiaphora* or things indifferent instead of strict moral duty.⁶² There are several available options, but one is chosen as better suited than the others. Therefore, it would not be sinful to choose or not to choose the option. Once chosen, it becomes the received societal norm. Once customs become societal norms, those practicing them greatly emphasize them. Therefore, Ambrose counseled Augustine concerning customs that “when I am at Rome, I do” as the Romans and, therefore, “whatever church you may come to, conform to its custom.”⁶³

Accordingly, customs, like general equity, demand applicational choices to achieve a moral good for the public benefit.⁶⁴ Common customs may not be laws in every case, but laws may seek to uphold established customs. Such is the case with laws concerning wills and testaments protecting the common custom of transferring one’s personal property to others at death. Natural Law’s relation to this custom is firmly rooted in the morality of private property expressed in the eighth commandment, and the relationship of parents to children as their heirs in Natural Law. Consequently, it was not unusual for Gouge to refer to “common equity” and “common custome” in the same sentence because the latter is built upon, and made necessary by, the former.⁶⁵

Therefore, a custom is a consequence of equity. It is the pursuit of an equitable, just, fair, or right course of action. Equity’s demand for decency and order becomes the custom’s purpose,

⁶⁰ Ibid., “custome.”

⁶¹ Ibid.

⁶² *Adiaphora* refers to things indifferent, and thus things that are neither morally right nor wrong in themselves.

⁶³ Augustine of Hippo, *Letters of St. Augustin*, ed. Philip Schaff, trans. J. G. Cunningham, vol. 1, A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church (Buffalo, NY: Christian Literature Company, 1886), 270.

⁶⁴ Even the word “custome-house” implies the location where public taxes, duties, or fees are to be paid.

⁶⁵ Gouge, *Hebrews*, 9:18-22, Sect. 97, p. 374.

and in many cases, the custom becomes civil law.⁶⁶ For instance, when meeting someone, shaking hands or bowing are two well-known customs; both are indifferent rather than moral choices, and neither is normally codified in civil law. By contrast, in Japan, it is customary to drive a car in the left lane, while in America, one drives in the right lane. Both customs are derived from the need for decency, safety, and order. In Japan, the custom is traced back to the Samurais of the Edo period (1603-1868).⁶⁷ Although no cars existed, the Samurai sword was worn on the left side of the body so it was easily accessed by the dominant right hand. Therefore, traffic moved along the left side of walking paths so the swords of two passing Samurai would not hit one another or cause unintended injury. This left-side-traffic custom was maintained as cars were invented.

Within each country, different driving customs were chosen to protect and promote life. At a point in time, the custom became codified into law, so that now, one is penalized if caught driving in the wrong lane. The indifferent custom (driving in the right or left lane) led to a civil precept enforcing the tradition, yet, a principle of moral equity undergirds both the custom and the civil case law: do no harm (also the sixth commandment).⁶⁸

Court of Equity/Court of Chancery

Because no single case law can cover every possible circumstance, some nations created Courts of Equity or Courts of Chancery. These courts ruled in rare circumstances when the civil statute did not produce the justice it was formulated to guarantee, or worse, it caused evil if enforced.⁶⁹ These courts did not aim at the letter of the law but the general equity or the spirit of

⁶⁶ 1 Corinthians 14:40 which demands all things are done decently and in order is one of several biblical principles governing cases of Adiaphora. Customs like foot washings (John 13) and head coverings (1 Corinthians 11) are local customs and not moral/perpetual duties binding all humanity.

⁶⁷ The following information is taken from an article found at Lucy Dayman, "Why Does Japan Drive on the Left Side of the Road?," Culture Trip, December 1, 2022, <https://theculturetrip.com/asia/japan/articles/why-does-japan-drive-on-the-left-side-of-the-road>.

⁶⁸ The same point is illustrated with speed limits, stop signs, traffic lights, or roundabouts which all serve the same purpose of order and safety at intersecting roads. One is chosen over the others as proper for that particular time but may, in the future, be modified. A stop sign may be replaced by traffic lights or roundabouts at a point when more traffic demands more control for better safety, or simply because they are more functional. Regardless of why the change occurs, once modified, the civil law follows suite and regulates according to the change.

⁶⁹ A Court of Equity is defined as being "A court which has jurisdiction in equity, which administers justice and decides controversies in accordance with the rules, principles, and precedents of equity, and which follows the forms and procedure of chancery; as distinguished from a court having the jurisdiction, rules, principles, and practice of the common law." Henry Campbell Black and Joseph R. Nolan, *Black's Law Dictionary: Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*, 6th ed (St. Paul, Minn: West

the law as it is sometimes referred. Therefore, in those cases, these courts would override the statute's literal reading and rule according to its spirit to preserve justice.⁷⁰ In this way, these courts were subservient to general equity. They sought to promote equity in those cases where the letter denied the required equity. This is illustrated when a speeding ticket is written to a husband driving his pregnant, laboring wife to the hospital in an emergency situation. The speed limit is there to protect life. The speeding husband is seeking to save two lives, that of his wife and child. In this case, a fine is unwarranted and goes against the very spirit of the law it seeks to enforce. This is why Edward Reynolds spoke of a “court of justice or equity” as “a public sanctuary.”⁷¹

Lifnim mi-shurat ha-din

The concept behind a Court of Equity due to rare circumstances was not unique but has an ancient Jewish predecessor very much akin to it. The Jews coined the phrase “*lifnim mi-*

Pub. Co, 1990), Court of Equity, 356. Comp. with Althusius who said, “It differs when in its accommodation to a particular circumstance individual law sometimes departs from common law, that is, something is added or subtracted from it. In other words, the difference occurs when some aspect of natural common law is not retained in every detail or when it does not remain in its general principles. Instead, while this law applies its nature and individual impact to specific situations and their circumstances, it is forced on some occasions to diverge quite a bit from common law in order to agree with the principle, embraced subject, and goal of common law.” Althusius, *On Law and Power*, Book 1, 14.5.

⁷⁰ For further study, see A. Craig Troxel and Peter J. Wallace, “Men in Combat over the Civil Law: ‘General Equity’ in WCF 19.4,” *Westminster Theological Journal* 64 (2002): 307–18. See especially pages 308–310. One point of disagreement with these authors is their equating “equity” with “discretion” (310). Equity means that which is just, fair, or right. Discretion is the means or act of judgment whereby equity is discerned or distinguished. By discretion, the proper and improper approach to a situation is determined, and thereby, right and wrong are separated. Discretion is in the judge while equity is in the law by which the action is judged. The two concepts should never be conflated though they are compatible and essential to one another. When equity is upheld, discretion is availed. To use the word equity as discretion is to equivocate in their meaning within a document where equity as right and fair was defined and defended (308). Maybe this is why they placed the word “discretion” in parenthesis beside it, but if this is the case, it was not prudent to use the word equity in that instance. Yet, this does not appear to be the case in the following paragraph where Solomon’s judgment concerning the child in 1 Kings 3:16-28 is referenced. In two consecutive sentences, the authors used the phrases “exercise of discretion” and then in the next the “exercise of equity.” Their equivocation and conflation seems apparent whether intentional or not (310).

⁷¹ Edward Reynolds (1599-1676), *An Explication of the Hundreth and Tenth Psalme Wherein the Severall Heads of Christian Religion Therein Contained; Touching the Exaltation of Christ, the Scepter of His Kingdome, the Character of His Subjects, His Priesthood, Victories, Sufferings, and Resurrection, Are Largely Explained and Applied. Being the Substance of Severall Sermons Preached at Lincolns Inne; by Edward Reynolds, Sometimes Fellow of Merton Colledge in Oxford, Late Preacher to the Foresaid Honourable Societie, and Rector of the Church of Braunston in North-Hampton Shire*, vol. 2 (London, 1635), 408.

shirat ha-din," referring to being "inside the line of justice."⁷² The Talmud understood this phrase to mean "going beyond the letter of the law in order to do the right and good deed."⁷³ As examples, the Talmud listed "the restoration of lost property to its owners when the law does not so require (B. M. 24b) and the payment of compensation for damage caused as a result of erroneous expert advice for which, by law, there is generally no liability."⁷⁴

The Court of Equity and *lifnim mi-shurat ha-din* are both means to provide equity due to gaps in the written law. They are accessories to existing laws to further the aim and goal of jurisprudence where it falls short of its equitable goal. Thus, a Court of Equity sought to remedy a case where following the letter of the law does not produce a fair outcome, and *lifnim mi-shurat ha-din* sought equity in those cases not explicitly addressed by the legal code.

Ladder of Abstraction

In biblical exposition, many today refer to a hermeneutical principle known as the *ladder of abstraction*. As ministers of God's Word seek to interpret the Bible, they struggle with its antiquated circumstances so foreign to their present day society. It's not simply the idea of an agrarian versus an urban culture, although that does play a part. It is much more profound. There is an alien world and context so different from this one, which makes applying those texts to today's audiences difficult. Although legal texts are under view, the tension transcends law and exists in every genre where application from the world of the biblical text does not transfer to that of the modern congregation. To overcome this barrier, expositors appeal to the ladder of abstraction.⁷⁵ The idea is that one starts with the world of the text and moves up the ladder only to the point where the connection between both worlds intersects. The goal is to overcome the

⁷² Daniel Sinclair, "The Oxford Dictionary of the Jewish Religion" (Oxford: Oxford University Press, 1997), *Lifnim Mi-Shurat Ha-Din*, 421. A special thank you to the Librarian of The Queen's Foundation for a copy of this entry on 9/18/2018.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ As examples, see Walter C. Kaiser Jr., "A Case for a Single Biblical Ethic in Business," in *Foundational Questions to a Biblical View of Business*, ed. Richard C. Chewning, vol. 1 (Colorado Springs, CO: Navigators, 1989), 84–88. Daniel Overdorf, *Applying the Sermon: How to Balance Biblical Integrity and Cultural Relevance* (Grand Rapid, MI: Kregel Publications, 2009), 113. Craig Brian Larson, *Interpretation and Application* (Peabody, MA: Hendrickson, 2012), 86. A special thank you is extended here to Dr. Jason Sturkie for his insights and access to his work in this area.

circumstantial differences, and once those are cleared, there should be common ground for making a suitable application for a present day audience.

A biblical example in Judicial Law is Deuteronomy 22:8, which states, "When you build a new house, you shall make a parapet for your roof, that you may not bring the guilt of blood upon your house, if anyone should fall from it."⁷⁶ In ancient Jewish societies, homes were built with a flat roof that was, among other things, used for entertaining. Therefore, to protect the lives of others in accordance with the Sixth Commandment and Natural Law's general principle of *do no harm*; a railing was required to protect the lives of others with access to the roof. As a hermeneutical tool, the ladder of abstraction would ascend above the flat roof as a place of entertainment in the ancient world. It would recognize other common dangerous scenarios where lives are at risk. One comparable present day circumstance is an in-ground swimming pool. Ways in which one can protect life under this current context are observed and applications made. One application is the civil requirement of a fence around a pool to prevent accidental drowning. Other examples are America's Occupational Safety and Health Administration's (OSHA) regulation for various types of fencing on construction sites.⁷⁷ In both cases, protecting life is the goal.

There is a difference between general equity and the ladder of abstraction. General equity only applies to the law while the ladder of abstraction can apply to any biblical genre. As the ladder of abstraction applies to law, general equity is paramount. In this regard, general equity may be regarded as a class or type of application within the ladder of abstraction.⁷⁸

General Equity Discussed

Rarely one finds a single quote with all the components of the doctrinal issue needed for discussion. William Perkins provided, albeit a bit lengthy, a quote with the perfect content within the appropriate context. In his discourse on conscience, Perkins stated,

⁷⁶ Deut. 22:8, *ESV*.

⁷⁷ Cf. OSHA regulations such as 1910.30; 1926.403 and 501. "United States Department of Labor: Occupational Safety and Health Administration," accessed November 15, 2022, <https://www.osha.gov/laws-regs/regulations/%20standardnumber/1926/1926.403>.

⁷⁸ In John Witte, Jr.'s summation of Althusius' view of the difference and correlation between natural law, Biblical law, and the common laws of nations, stated there is a "level of abstraction" between them. Althusius, *On Law and Power*, lx.

But touching other nations and specially Christian commonwealths in these daies, the case is otherwise. Some are of the opinion that the whole judiciall law is wholly abolished: and some againe runne to the other extreme, holding that the judiciall lawes binde Christians as straightly as the Jewes but no doubt, they are both wide, and the safest course is to keepe to the meane betweene both. Therefore the judiciall lawes of Moses according to the substance and scope thereof must be distinguished in which respect they are of two sorts: Some of them are lawes of particular equity, and some of common equity. Lawes of particular equity, are such as prescribe justice according to the particular estate and condition of the Jewes common-wealth & to the circumstances thereof, time, place, persons, things, actions. Of this kind was the law that the brother should raise up seed to his brother, and many such like, & none of them bind us because they were framed and tempered to a particular people.

Judicials of common equity are such as are made according to the law or instinct of nature common to all men: and these, in respect of their substance, binde the consciences not onely of the Jewes but also of the Gentiles: for they were not given to the Jewes as they were Jewes, that is, a people received into the covenant above all other nations, brought from Egypt to the land of Canaan, of whome the Messias according to the flesh was to come; but they were given to them as they were mortall men subject to the order and lawes of nature as all other nations are. Againe, judicial laws, so farre forth as they have in them the generall or common equity of the lawe of nature are morall: and therefore binding in conscience, as the morall law.⁷⁹

Perkins' quote is crucial to this chapter by providing four points of discussion. First, Perkins denounced the two extreme views concerning the Judicial Law. One side says it "is wholly abolished" and the other tried to make it as binding upon Christians "as straightly as [it bound] the Jews."⁸⁰ In Perkins's estimation, both are incorrect. When refuting the view of it binding Christians in every way it bound the Jews, Perkins appealed to the difference between *common equity* and *particular equity* and between *substance* and *circumstance*. To correctly perceive Westminster's doctrine of general equity, these terms must be examined and understood as they relate to the topic.

⁷⁹ William Perkins, *A Discourse of Conscience Wherein Is Set Downe the Nature, Properties, and Differences Thereof: As Also the Way to Get and Keepe Good Conscience*, 2nd ed. (Cambridge: Printed by John Legate, printer to the Universitie of Cambridge, 1596), 17–18. This quote is a hybrid of the same text from two sources due to its poor condition both transcribed and scanned. One was taken from Proquest's scanned edition and the other from the Logos transcription in order to fill in the gaps found in both. Regardless of differences in spelling, punctuation, or capitalization between them, the meaning of the text has in no way been altered. Logos edition: William Perkins, *A Discourse of Conscience Wherein Is Set Downe the Nature, Properties, and Differences Thereof: As Also the Way to Get and Keepe Good Conscience*, Early English Books Online (Cambridge: John Legate, printer to the Universitie of Cambridge, 1596), 17–18.

⁸⁰ Ibid.

Common Equity versus Particular Equity

As seen above, the term *common equity* is synonymous with *general equity* and its universal, perpetual principles. Conversely, *particular equity* refers to temporal aspects of the law specifically tailored to accommodate the circumstances of a specific person or group. As it relates to Israel's judicial precepts, particular equity is the aspect of those civil precepts specifically and particularly pertaining to the circumstantial needs of Israel as a nation and not to any other nation.⁸¹

This distinction is the result of the two aspects of every law: its general equity and its case law form. General equity, as universal and moral, cannot be annulled. In that these moral principles of equity are those "principles of eternal justice" applicable to and binding on all humanity at all times, including Israel before Mount Sinai, they are immutable.⁸² The case law is the actual law formed on general equity. Thus, even if the particular equity (case law) is annulled, the common equity remains.

Particular Baptist Benjamin Keach (1640-1704), who was an original subscriber of the *1689 London Baptist Confession of Faith*, demonstrated the same theological understanding of distinction between general equity and case law in three consecutive illustrations.

3. For the further clearing of this matter, consider, that under the first Creation God required one Day in seven for himself: But the precise Seventh-day being a Judicial Law, is gone; yet the equity or equitableness of one Day in seven as due to God, to be improved to his Glory for ever, remains.
4. God then gave poor Servants and Cattel, one Day of Rest in seven; the last Day of seven is gone, but the equity or equitableness of one Day in seven for a day of Rest for Servants and Cattel, remains for ever.
5. God required his People to give his Ministers under the Law the Tenth of all their Increase: the Law of Tithes is gone, but the equity or equitableness that his Ministers under the Gospel should have as sufficient a maintenance, remains for ever.⁸³

In like manner, when explaining the vows in Numbers 30, Richard Baxter stated, "[t]his Law in *Numbers* [30] is no further in force than it appeareth to belong to the Law of Nature, or of Christ: For as *Moses's* Law, it dy'd with Christ, and was nailed to his Cross: Though

⁸¹ Particular equity is that part of the Judicial Law that corresponded to the "condition of the Jews' Commonwealth and to the circumstances thereof." Perkins, *Discourse of Conscience*, 17.

⁸² MacPherson, *Westminster Confession*, 119. Comp. "Even to the present day governing officials and their subjects one and all are obliged to obey those precepts in this political law that belong to the universal law; however, the ones that belong to the particular Jewish [political] law have become obsolete along with the Mosaic system of government." Polyander, *SPT*, vol. 1, Disp. 18.51.

⁸³ Keach, *Jewish Sabbath Abrogated*, 180–81.

the *general equity* of it be still of force.”⁸⁴ Samuel Rutherford insisted the same principle by stating, “[b]ut we conceive, the whole bulk of the judiciall Law, as judiciall, and as it concerned the Republick of the Jews only, is abolished, though the morall equity of all those be not abolished.”⁸⁵ These quotes demonstrate how commonly held this principle was during the seventeenth century as replicated within Westminster’s *Confession*.

Substantials and Circumstantials of Civil Laws

Perkins also referred to both the “substance” and “circumstances” of the Judicial Law.⁸⁶ As with common and particular equity, substance and circumstance respectively refer to a precept’s immutable and mutable parts.⁸⁷ Thus, substance refers to the general or common equity while the circumstances relate to the particular equity. Therefore, the terms are synonymous for general and particular equity, and often referred to as the *substantials* and *circumstantials*. Perkins related the particular equity with the “circumstances...[of] time, place, persons, things [and] actions.”⁸⁸ These circumstances or *circumstantials* are the mutable and ever-changing elements that demand a statute be constructed on a principle of general equity in order to regulate them specifically. On the other hand, what was commonly referred to as the substance or *substantials* of a precept was the perpetual, immutable general principle.⁸⁹

⁸⁴ Richard Baxter (1615-1691), *Reliquiæ Baxterianæ, Or, Mr. Richard Baxters Narrative of the Most Memorable Passages of His Life and Times Faithfully Publish’d from His Own Original Manuscript by Matthew Sylvester* (London: Matthew Sylvester, 1696), 416.

⁸⁵ Rutherford, *Divine Right of Church-government*, 493.

⁸⁶ Perkins, *Discourse of Conscience*, 17. Ussher also used the term “substance” in the quote above to refer to the immutable part of the law. Ussher, *Body of Divinity*, 204.

⁸⁷ A supportive biblical text for this distinction is Colossians 2:17 where the “σκιά τῶν μελλόντων” (“shadow of things to come”) is compared to the “σῶμα τοῦ Χριστοῦ” (“body of Christ”). Westminster used this verse as a proof text for this distinction in *WCF* 7.6, see FN “n.” The English translation is taken from the *ESV*. The same application is observed in *WCF* 27.5 on the sacraments with proof text “I” and 1 Corinthians 10:1-4, and in *WLC* Q. 35, 100. Comp. these references with those in the *Sum of Saving Knowledge* (Head 3.2; Warrants to believe sect. 3) and the Directory for Public Worship (last paragraph of the Preface, and Of the Administration of the Sacraments: *And first, of Baptism*) in Westminster Assembly, *Westminster Confession of Faith, 1646*. For use of “circumstances” in the Westminster Standards according to this understanding see *WCF* 1.6 and *WLC* Q. 151.

⁸⁸ *Ibid.*

⁸⁹ “*Let no man Therefore judge you in meat or drink, or in respect of a holy-day (a Festival) or of Sabbaths, (the proper name, at that time, of the Seventh-day Sabbath:) which things are a shadow of things to come, but the body is of Christ; these being but shadows or empty things, whereas it is the body, (the Substance) that Christ regards...those are but shadow, but 'tis the Body that Christ looks at. That is (in our language) those are only Circumstantials, but 'tis substance or the Substantials of Religion that Christ and Christianity respects. And, as it is merely Circumstantial (and doth not at all influence Religion) whether in the Temple or other place God be worshiped (Ioh. 4. 21.) So, whether on this or another day, a Sabbath be kept.*” Wallis, *Christian Sabbath*, 60, see also p. 68-69.

Unlike particular and common equity, the terms substantial and circumstantial are not solely relegated to law. It was common to contrast by these two terms what is permanent, essential, or immutable with what is temporary, accidental, or mutable. The terms were used to contrast aspects in the Old and New Covenants, God's worship, the Sabbath, Sacraments, and many other doctrinal concepts.⁹⁰ This relational contrast has an added dimension of importance in Ceremonial Law discussed in the following chapter.

Debatable Disagreement

Lastly, attentive readers will observe a difference in language concerning general equity in the above quotations. Some, like Perkins and Ashbel Green, referred to two species or "sorts" of judicial laws.⁹¹ By doing so, they divided the judicial precepts into two types. The first were precepts which solely concerned Israel and as such expired. The second was "any statute founded in the law of nature common to all nations."⁹² By this language, the division is among the precepts, thus dividing one precept from another. The idea is that some judicial precepts contain general equity and some do not.

Thomas Ridgley approached the subject in the same fashion. In his exposition of the *Westminster Larger Catechism*, he stated concerning Israel's judicial laws, "there were *some* given them by him, which were founded in and agreeable to the law of nature and nations; which all well-governed states observe to this day."⁹³ Ridgley illustrated by saying, "murder should be punished with death, and that theft should be punished with restitution or some other

⁹⁰ Cf. *WCF* 7.6 which begins "Under the Gospel, when Christ, the substance, was exhibited..." and has a footnote referencing Col. 2:17 attached to the word "substance." See also the last sentence of the paragraph. Comp. with Bolton, *TBCF*, 75-76; Cawdrey, *CSV*, 29; and Burgess, *VL*, 165 (law); Wallis, *Christian Sabbath*, 1, 10-11, 13, 60, 68, Byfield, *Doctrine of the Sabbath Vindicated*, 68, (Sabbath); Rutherford, *Divine Right of Church-government*, 80-81 and Ames, *A Fresh Suite Against Human Ceremonies*, 31-32, 92 (worship); Ames, *Substance of the Christian Religion*, 169-170 (sacraments), 180 (covenants); Gouge, *Hebrews*, 8:8, Sect. 50, p. 262 (covenants); Gillespie *Miscellany Questions*, see last paragraph of chapter 8 and Comp. with Calvin, *Institutes*, 4.19.4, 13, 31 (Ordination by laying on of hands).

⁹¹ Whereas Perkins spoke of "two sorts," Green spoke of "some" of the judicial precepts. Perkins, *Discourse of Conscience*, 17-18. Green, *Lectures on the Shorter Catechism*, vol. 2, 19.

⁹² Robert Shaw made the same division. Shaw, *Exposition of the Westminster Confession*, 197.

⁹³ Ridgley, *Body of Divinity*, vol. 2, 308. Cf. Hodge who stated, "Those commands which have their ground or reason either in the essential principles of the divine nature or in the permanent constitution of things, of course have not been abrogated by the introduction of the Christian dispensation." Hodge, *Westminster Confession*, 254. (emphasis added)

punishments which may best tend to deter men from it.”⁹⁴ Ridgley also insisted “there were *other* judicial laws given to Israel, which had a more immediate tendency to promote their civil welfare, as a nation distinguished from all others in the world; which laws expired when their civil polity was extinct.”⁹⁵ He then listed seven precepts he understood as pertaining particularly to Israel and corresponding to this division. Among them were Levirate marriage (Deut. 25:5-6), Hebrew redemption with the Year of Jubilee (Lev. 25:11-13, 25-27), limitation of a Hebrew servant’s bondage to six years’ and the caveat of the slave’s option for permanent voluntary servitude (Ex. 21: 2-6), the land sabbatical (Ex. 23:10-11), usury laws concerning the Israelites (Lev. 25:34-37), the duty of Jewish males to appear three times a year before the Lord in Jerusalem (Deut. 16:16-17), and the Cities of Refuge (Num. 35:15).

In comparison, other divines referred to the general equity within every civil precept without any divisional qualification. These men understood every precept as containing general equity. Therefore, they did not divide one precept from another; instead, every precept could be divided between its general equity and its particular case law application. All agreed there was an overwhelming emphasis on the peculiar circumstances pertaining to Israel in the seven precepts Ridgley listed. Whereas Ridgley, Perkins, and Green only perceived circumstantials, others like Rutherford, Gouge, and Junius kept sifting until they discerned the moral connection underlying each precept.

For Junius, three aspects of every law were perpetual: its *origin*, *object*, and *aim*.⁹⁶ To illustrate, the land sabbatical of Ex. 23:10-11, which Ridgley claimed possessed no general equity, has care for the poor as its moral *end* (Ex. 23:11). If caring for the poor is the *end* of the precept, then its *origin* is the general principle of doing unto others as we would have others do unto us. Therefore, it could be stated as *do good to your neighbor* or, stated negatively, *do no*

⁹⁴ Ridgley, *Body of Divinity*, vol. 2, 308.

⁹⁵ *Ibid.* (emphasis added)

⁹⁶ Junius, *Mosaic Polity*, theses 14-18. Similarly, Ursinus stated, “The *precepts of the moral law* are the ends of the others; whilst they again are subservient to those which are moral.” Ursinus, *Heidelberg Catechism*, 492. Turretin also discerned a moral end in every law when he declared, “Equity is the mind of the law. Now so great is its equity that it is both the aim and rule and end of all laws; and the very nations most bitterly opposed to the Jews have not denied that their laws were derived from it.” Turretin, *Institutes*, vol. 2, 11.22-23. The same language is found in Assembly member Gouge who stated, “This is a forcible motive to yeeld all holy obedience to the particular Commandements which here and there are to be found in Gods word: because they are all according to Law: all grounded on common equity, and framed according to right.” Gouge, *Hebrews*, 7:5-7, Sect. 39, p. 148.

harm, which is an acknowledged principle of Natural Law. The *object* of the law is the natural relationship to a neighbor as a fellow image-bearer. As Junius taught, these three aspects of a law are the moral and immutable substantials of the precept that remain while the particular circumstantials pertaining to the Jewish nation fell away.

Accordingly, Rutherford spoke of “the whole bulk of the judiciall Law” as “abolished,” yet, he also stated, “the morall equity of all those” laws was “not abolished.”⁹⁷ By his language, he denied any dual division among the judicial precepts on the basis of general equity or lack thereof. His words reflect a totality of annulment with every judicial precept (“the whole bulk”), and they reflect a complete association of “morall equity” with every individual precept (“all”).⁹⁸

Even those who saw general equity in every precept acknowledged it exists in varying degrees within them; some having more, while others less.⁹⁹ The apparent difficulty in discerning general equity led some, like Perkins, Green, and Ridgley, to declare *some* as devoid of general equity. By contrast, others were able to discern it by a different method. For these men, all laws are constituted on general equity without exception. When understood this way, the entire body of precepts is spoken of having expired, while only their underlying general equity remains. This last is the language of the *Confession*. The *Confession* makes no distinction nor does it allude to differing “sorts” of civil precepts. It speaks of the Judicial Law collectively and states, “he gave sundry Judicial Laws, which expired together with the State of that People.”¹⁰⁰ No qualification is provided to denote different subcategories of precepts for those with, and those without, general equity. As seen in the previous chapter, the idea of *expiration was applied to all of Israel’s civil case laws*. Immediately following this statement, they reference the general equity associated with these statutes and state, “not obliging any other now, further than the general equity thereof may require. Therefore, because those case laws contained a degree of moral content, Westminster drew a distinction between the common and particular equity they possessed.

⁹⁷ Rutherford, *Divine Right of Church-government*, 493.

⁹⁸ *Ibid.*

⁹⁹ “Equity, as it is natural, cannot be the same in all, and therefore ought to be proposed by all laws, according to the nature of the thing enacted.” Calvin, *Institutes*, 4.20.16.

¹⁰⁰ WCF 19.4.

The *Confession's* language may be a consensus statement which accords with both views, or, it is their affirmation of the latter view holding that every statute contains general equity though of varying degree. There is great probability that this difference was the issue during the Westminster Assembly demanding greater attention and requiring additional members for the sub-committee discussions.¹⁰¹ To speak of all Judicial Laws as expired, seemed to reject those precepts that were wholly moral which all agreed were still of binding force. Conversely, to say they all possessed a general equity would create a debate on ordinances such as the Levirate marriage or the land sabbatical that appeared to some members as having no perpetuating moral content. Regardless of which side one fell on in the debate, all agreed that general equity was an underlying moral/perpetual principle rooted in Natural Law.

The four main Assembly members under review in this thesis align with the confessional statement rather than with Perkins. Their language conveys that all laws were constructed on equity and that the entire Judicial Law expired, yet only the general equity associated with each law remains. Of the four, Bolton is the most questionable. Bolton stated, "And so here as this was *typicall* of Christ, so far it is ceased; but that which is of common and generall equitie remains still in force. It is a Maxime, *Those judgements which are common and naturall, are morall and perpetuall.*"¹⁰² As for this questionable quote, let the reader judge. Bolton spoke of "that which is" rather than "some" or "sorts." The use of "that" applies to an aspect of the civil precepts, not the precepts themselves. When quoting the maxim he spoke of "those judgments," thereby making the context questionable. Nonetheless, greater clarity on Bolton's view is found in another place where he said,

And indeed the Law as it is considered as a *rule*, can no more be *abolished* or *changed*, then the nature of good and evill can be abolished or changed. The substance of the Law is the summe of doctrine concerning *piety* towards God, and *charity* towards our neighbours, and *temperance* and *sobriety* towards our selves. And for the substance of it, it is Morall and Eternal, and cannot be abrogated. We grant the *circumstances*, they were but *temporary* and changeable, and we have now nothing to doe with the *Promulger* Moses, nor the *place* where, Mount Sinai, nor the time fifty dayes after they came out of *Egypt*, nor yet as it was written in Tables of stone, *delivered* with thundring and lightning, &c."¹⁰³

¹⁰¹ See thesis chapter one under Bolton's curious assertions.

¹⁰² Bolton, *TBCF*, 72.

¹⁰³ *Ibid.*, 74-75.

Bolton's words made a stark distinction between the substance and circumstances associated with the laws given to Israel at Mount Sinai. He argued for the perpetual binding substance while insisting the circumstantial are annulled because "we have now nothing to do with the *Promulger* Moses."¹⁰⁴ Not only has Bolton discerned between the general equity and the case laws, he did so in such a way that he refuted any claim they must be obeyed because God revealed them through Moses. Instead, it is the moral aspect that is eternal and perpetual and "cannot be abrogated."¹⁰⁵

Accordingly, Burgess stated, "And thus for the Judicial Laws, because they were given to them as a politick body, that polity ceasing, which was the principall, the accessory falls with it."¹⁰⁶ Burgess's words provide no exception or division among the judicial precepts abolished. Likewise, Cawdrey spoke of God, having taken Israel as his people, gave them Ceremonial and Judicial Laws "which are not esteemed Perpetuall."¹⁰⁷ Cawdrey equally applied a temporal nature to the Judicial and Ceremonial Law without qualification. In addressing the Judicial Law further down, he made no distinction within it.

The most indisputable view is found in William Gouge. Gouge believed obedience to all God's "particular commandments" in his Word was demanded "because they are all according to Law: all grounded on common equity, and framed according to right."¹⁰⁸ Whatever others thought, Gouge was convinced that general equity was present in every divine command, Judicial and Ceremonial Law included. Regardless, varying degrees of moral equity was observed within the precepts. Even for those, like Ridgley, who held at least seven as possessing none; they readily acknowledge the other precepts as containing it. Regardless of the *Confession's* stance, and that of its authors, both views are replicated in the secondary sources of expositions of the Westminster standards.¹⁰⁹

¹⁰⁴ Ibid., 75.

¹⁰⁵ Ibid.

¹⁰⁶ Burgess, *VL*, 168.

¹⁰⁷ Cawdrey, *CSV*, 3.

¹⁰⁸ Gouge, *Hebrews*, 7:5-7, Sect. 39, p. 148.

¹⁰⁹ As an example, Robert Shaw also reflects the view of Perkins and Ridgley (neither were assembly members), while Thomas Boston reflects the language of the *Confession*, Rutherford, Bolton, Burgess, Cawdrey and Gouge. Comp. Shaw, *Exposition of the Westminster Confession*, 197 and Boston, *Commentary on the Shorter Catechism*, vol. 2, 60-61.

Turning the focus to examine the differing degrees of equity within civil precepts, the difference between Perkins and Ridgley on the one side and Gouge and Junius on the other was not simply methodological. At its heart was the reality that some precepts, seven according to Ridgley, had no perceivable moral equity in them at all. On the other hand, both sides would agree that putting a railing around a rooftop contained a considerable degree of moral equity as it pertained to the sanctity of life. This reality of the varying degrees of moral equity within precepts leads to a discussion of three possible species of judicial precepts.

Wholly Moral in the Case Law

The first species of civil case laws are those viewed as *wholly moral*. These laws were in use among other nations as a consequence of Natural Law and remain in force after Israel's destruction due to their moral nature. Referring to topics in *general*, among these precepts are those concerning murder, adultery, lying, theft, etc., and replicated in the Decalogue. As an example, Judicial precepts concerning murder, recorded in Ex. 21:12, Deut. 5:17, Lev. 24:21 and Num. 35:16 speak of the moral evil of murder and the punishment of death as a just penal sanction.¹¹⁰ These precepts regulating murder are traced back to Genesis 9:6, which states, "Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his own image." This moral evil is anciently attested and rooted in the fact that human beings are made in the image of God. Because divine image bearing is universal, so is any malicious attack upon it in the form of murder, regardless of place or time.¹¹¹

Speaking more *particularly* as it pertains to specific civil case laws possessing a wholly moral nature, the following are included:

- ¹⁶ "Whoever steals a man and sells him, and anyone found in possession of him, shall be put to death. (Ex. 22:16)
- ²⁸ "You shall not revile God, nor curse a ruler of your people. (Ex. 22:28)
- "You shall not spread a false report. You shall not join hands with a wicked man to be a malicious witness. ² You shall not fall in with the many to do evil, nor

¹¹⁰ Thomas Vincent referred to the "equity" of God's commandments and the "equity" of God's penal sanctions when speaking of the tears and self-shame of the repentant sinner. He stated "hereby the sinner honours the equity of the threatening by his tears, acknowledging that his blood was due." Thomas Vincent, *An Explicatory Catechism, Or, An Explanation of the Assemblies Shorter Catechism* (London: Printed for George Calvert ... Thomas Parkhurst ... Samuel Sprint ... and D. Newman, 1673), 69.

¹¹¹ Murder in Scripture is distinguished from other acts of killing such as capital punishment, just wars, self-defense, and accidental death. Precepts regulating these other circumstances clarify what murder is and when the taking of another life is deemed circumstantially admissible or excusable.

shall you bear witness in a lawsuit, siding with the many, so as to pervert justice,³ nor shall you be partial to a poor man in his lawsuit. (Ex. 23:1-3)

- ⁶"You shall not pervert the justice due to your poor in his lawsuit. ⁷Keep far from a false charge, and do not kill the innocent and righteous, for I will not acquit the wicked. ⁸And you shall take no bribe, for a bribe blinds the clear-sighted and subverts the cause of those who are in the right. (Ex. 23:6-8)

The perpetual duties of human dominion, respect for authority, and hatred for lying, partiality, and bribery are all expressed by these case laws. Each one is inherently understood and known to be true and each devoid of any purely Jewish circumstantial.

Other more controversial laws that are wholly moral include precepts such as Exodus 22:18-19 and Leviticus 24:15-16. Exodus 22:18-19 states, "You shall not permit a sorceress to live" and ¹⁹"Whoever lies with an animal shall be put to death."¹¹² The controversial aspect is not the morality of the precepts but their penal sanctions. Some believed the penalty was removed though the morality of the statute stood in its binding force.¹¹³

This sub-category of civil law is at the heart of much of the controversy referred to above. They are so foundational to relationships, cultures, and commonwealths due to their purely moral essence that to say they have expired along with the others containing particular equity (designed only for Israel) seemed unreasonable. It is illogical to think such wholly moral/perpetual precepts could ever expire. When viewed from the perspective that the case law was so fully reflective of the general equity upon which it was constituted, the mystery is solved. These laws possessed a complete degree of natural equity that is replicated in the case law; so much so, the two are difficult to distinguish. Therefore, Mosaic civil laws of this nature expired and are not obligatory *on the authority of Moses* or *as given to Israel*, yet, the statement does not mean that the general equity expired. Therefore, Westminster saw no reason not to find those

¹¹² Exodus 22:18-19, *ESV*.

¹¹³ "Witchcraft is here forbidden, Deut. 18. 10. and that upon paine of death, 1 Sam. 28. 9. By Witch is here meant any one that hath any dealings with the devil, by any compact or confederacie whatsoever...and their sinne as hainous, and their punishment as grievous...Some have thought Witches should not die, unlesse they had taken away the life of mankinde; but they are mistaken, both for the act of the Witch, and for the guilt: for first, the act of killing any one in such a way, as is called witchcraft, is not the act of the Witch, but of the Devill... But why then must the Witch be put to death? *Answ.* Because of the league and confederacie with the devil, which is high treason against God; because he is Gods chiefest enemie, and therefore though no hurt insue this contract at all, the Witch deserves present, and certaine death for the contract it selfe." *Westminster Annotations*, Exodus 22:18, [*not suffer a witch*]. Cf. *Ibid.*, Leviticus 20:15, [*and the beast*].

laws transposed in some case law form into every commonwealth (especially Christian nations) due to, and in accordance with, the purity of the common equity within them.

Wholly Circumstantial in the Case Law

As with wholly moral precepts, some civil precepts appear entirely circumstantial in their case law form. This sub-category contains case laws with evident general equity and those where it is extremely difficult to discern the statute's general equity. This observation rests on Ridgley's seven unique precepts illustrating statutes where no moral aspect readily appears within the particular case law. Yet, as discussed, Junius and others taught that when the case law does not readily appear to possess immutable aspects, one may go beneath the surface to apprehend its origin, object, and end. With these precepts, Junius and Gouge's hermeneutic assist in extracting and distinguishing the moral equity from the circumstantial application of the case law. The case law may be wholly circumstantial, but it was still constituted on a perpetual principle of equity.

Also in this list are those ordinances which appear on the surface to be wholly circumstantial but have a known and agreed upon general equity. Among this list are such ordinances as the feast days, sacrifices, and dietary laws pertaining solely to Israel. The following two precepts are offered as examples:

¹⁵You shall keep the Feast of Unleavened Bread. As I commanded you, you shall eat unleavened bread for seven days at the appointed time in the month of Abib, for in it you came out of Egypt. None shall appear before me empty-handed.

¹⁶ You shall keep the Feast of Harvest, of the firstfruits of your labor, of what you sow in the field. You shall keep the Feast of Ingathering at the end of the year, when you gather in from the field the fruit of your labor.¹¹⁴

These two feasts were solely appointed for Israel and no moral/perpetual elements are evident in the case laws as stated. The two Feasts, the aspects of unleavened bread, firstfruits, fields in Israel, deliverance from Egyptian bondage, and the appointed times of celebration are all circumstances pertaining to Israel alone. All is Jewish on the surface of the stated case law, yet the general equity of set times of divine worship, the perpetual duty to worship, and for one to give God his or her best in worship are firmly established principles of natural equity upon

¹¹⁴ Exod. 23:15-16, ESV.

which these and like ordinances were constituted. In this instance, the case laws had no stated common equity, yet their constituting general equity is still discernable.

Mixed Precepts

The third species, and notably the largest, are the mixed precepts. Theologians have observed and classified varying sub-species of mixed precepts.¹¹⁵ As three of these sub-species are discussed, an overlap between them is readily acknowledged and admits of other compositions. These three, however, are the most notable arrangements.

Moral-Natural and Moral-Positive

One mixed precept would be those composed of both Moral-natural and Moral-positive elements. An example of this mixed precept is the Fourth Commandment.¹¹⁶ The Sabbath was the source of much debate and spilled ink during the seventeenth century. Changing the day from the seventh to the eighth (or first) day of the week led some to view it as wholly mutable or ceremonial.¹¹⁷ In opposition, Cawdrey and other Assembly members argued that even the changing of the day was moral in nature albeit Moral-positive rather than Moral-natural.¹¹⁸ For these theologians, the worship of God was Moral-natural while aspects such as the number of days (one in seven) and which day of the week (first or seventh) were Moral-positive.¹¹⁹

Walker observed in his day, “an almost civill warre between the Pastors of several Churches” and between “Preachers of one and the same Church” had broken out over the nature of the Fourth Commandment.¹²⁰ As Walker stated, “Now make it a mixt Law and prove it

¹¹⁵ Cf. Walker’s complex list of varying mixed laws. Walker, *DS*, 62-64.

¹¹⁶ *WCF* refers to the Christian Sabbath as “a positive, Moral and perpetual Commandment.” *WCF* 21.7.

¹¹⁷ Cf. Walker, *DS*, 61.

¹¹⁸ Let the reader observe the emphasis of the word “Moral” in *WCF* 21.7 as quoted in FN #2 above. There the assembly capitalized the word moral but not the words positive and perpetual. It seems their capitalization of the word commandment also served to highlight and reinforce the importance of this commandment against the Antinomians.

¹¹⁹ See thesis chapter four. Perkins noted the changing of the day in Sabbath observance as an example between the substance and the “ceremony” or circumstantial of the precept. As he observed, If it be said, that Christ changed the moral law, in changing the Sabbath day, from the seventh day to the eighth, I answer, Christ did so indeed by His apostles, but that is no change of the substance, but of the ceremony of the Sabbath, for the substance of that law is, the enjoining of the seventh day’s rest unto the Lord. For Perkins, the “rest unto the Lord” was the immutable substance while the day upon which that day takes place is the circumstantial aspect that may change as the Lord so chooses. Perkins, *Works*, vol. 1, 249. Comp. Wallis on page 267 FN #2.

¹²⁰ Walker, *DS*, 64.

manifestly, and there needs not more contention.”¹²¹ Because some of these precepts like the Sabbath are entirely moral in the case law form, they also fit the category of wholly moral.

A Stated Case Law Consisting of both General and Particular Equity

Some precepts possess a particular equity towards Israel’s commonwealth and a common equity of perpetual obligation *stated within the case law*. This classification differs from the wholly moral and wholly particular/circumstantial in that the *case law form* stands between those two extremes. These precepts have in their case law form moral and particular elements. Although every precept contains a general equity upon which it is constituted, some possessed both an immutable (common equity) and mutable (particular equity) aspect stated in the language of the precept. The degree to which these precepts contain either element varies from precept to precept and must be studied thoroughly by the interpreter.

Examples of judicial precepts containing this mixed relationship are found in such precepts as Exodus 21:12-14 and 23:9 which state,

- ¹² "Whoever strikes a man so that he dies shall be put to death. ¹³ But if he did not lie in wait for him, but God let him fall into his hand, then I will appoint for you a place to which he may flee. ¹⁴ But if a man willfully attacks another to kill him by cunning, you shall take him from my altar, that he may die. (Exod. 21:12-14)
- You shall not oppress a sojourner. You know the heart of a sojourner, for you were sojourners in the land of Egypt. (Exod. 23:9)

In Exodus 21:12-14 the moral content stated in the case law concerns the act of murder (v. 12) which is wholly moral and is categorized as common equity. There is an exception stated in verse 13 which reduced the act of killing to the act of an accidental death rather than premeditated murder which is again, purely moral. In addition, there is a reference to a place unto which the manslayer may flee. God’s altar and a place of refuge concerning the Cities of Refuge are entirely in the realm of particular equity relating to Israel.

Other examples are the Fifth Commandment and Numbers 27 and 36. The Fifth Commandment requires children to obey their parents.¹²² This aspect of the precept is undoubtedly moral and universal in scope yet, there is an annexed promise to this particular precept respecting the Israelites and their length of life within the Land of Promise and falls

¹²¹ Ibid.

¹²² Exodus 20:12. The synecdoche also requires obedience of inferiors to superiors under any circumstance and a mutual concern between superiors, inferiors, and equals. Cf. *WLC Q.* 124-32.

under the realm of particular equity. The specificity of the promise was originally for the Jews and is distinguished from the precept's common equity. The Apostle Paul accentuated this distinction in Ephesians 6:1-3. There, he transposed the promise from Israelites enjoying long life in the land of Canaan to Gentile Christians enjoying long life on earth (particular equity). All the while Paul maintained the common equity of the commandment concerning children obeying their parents.

Numbers 27 and 36 were discussed above with the Zelophehad's daughters and the circumstances surrounding inheritance laws in Israel. What is observed in this more complex example is that issues of property ownership, inheritance, and familial relationships are not only associated with the underlying general equity of that statute; they are also specifically expressed within the statute's language (Cf. 27:4, 7-11; 36:3, 7-9). They are not annexed to the precept as promises but are part of the letter of the law. In contrast, several aspects of this law only pertain to Israel: the concept of tribal land ownership within Israel (36:3), the reference to the Year of Jubilee (36:4), the restriction for a daughter who inherits her father's land to marry only within her tribe (36:6). The two components (common and particular) together make up the case law as given to Israel, yet; the two aspects are distinct and must be distinguished.

Combination of Moral, Judicial, and Ceremonial Law

Some Judicial laws also possess a mixed nature of moral, ceremonial, and judicial. Any combination of the three natures is possible. To clarify, this sub-species differs from other mixed precepts in that the first only possesses a moral nature though comprised of a union of Moral-natural and Moral-positve. The second concerns precepts with moral universals (common equity) and particular Jewish elements (particular equity), yet, this third species is a mixture of any of the three tripartite natures of biblical laws whatever their makeup. At this juncture, Junius' words ring true and made more evident concerning how one approaches a mixed precept.

It is impossible for them to rightly interpret the laws of Moses or gain any appropriate fruit from them who appraise the laws of Moses in the following way: as if they all must be reduced to a certain single genus and must be taken completely in the same way.¹²³

Having stated this errant approach to biblical laws, Junius affirmed that some laws within each category are of only one essence (moral, judicial, or ceremonial) but admitted: "there are fewer

¹²³ Junius, *Mosaic Polity*, 137.

of these” than those of a mixed nature.¹²⁴ A vital hermeneutical step for this species of mixed precepts is distinguishing the different types of biblical law within the ordinance (Moral, Judicial, and Ceremonial). Once separated, each aspect’s particular and common equity for that aspect’s part of the precept is then sought and addressed accordingly.

An example of this species of mixed precepts is Deuteronomy 21:1-9 addressing the slain man found in a field.¹²⁵ Within this one ordinance, Moral Law (murder, penal sanction), Judicial Law (murdered victim, magistrates, civil judgments, criminal investigations, geographical jurisdictions), and Ceremonial Law (priests and sacrifices) are all present. Accordingly, each sphere of government must play its part. Therefore, the magistrates (elders and judges) in towns adjoining the field where the body was found are engaged in measuring to determine which civil authority is charged with overseeing the investigation into the murder and providing the required sacrificial animal for cleansing the land of blood-guiltiness (3-4). The priests are engaged to cleanse the land of blood-guiltiness due to the murderous act having no recourse for a penal sanction because the perpetrator could not be found (vs. 5-9).

Having divided them by their tripartite natures, each is individually examined and hermeneutically treated according to its nature. The Moral Law is reflected in the murder of a divine image bearer and stands as the foundation of the entire ordinance. Therefore, do no harm, the sanctity of life, the murder’s assault upon God’s image, the guilt and the demand for capital punishment are some of the universal and perpetual truths conveyed by the Moral Law’s aspect of the ordinance. The ceremonial aspects pertaining to priests and sacrifices entail Christological types signifying the need of a Mediatorial priest, forgiveness, vicarious substitute, exigency of blood atonement for sin, imputation of guilt and forgiveness, and the need of Christ’s sinlessness as a fit sacrifice for sin. All these truths and duties are on display in the ceremonial aspects of this ordinance.¹²⁶

The judicial aspect of the ordinance demands punishing the heinous crime to the fullest extent of the law. The magistrates, charged with bearing the sword, are to pursue the perpetrator

¹²⁴ Ibid.

¹²⁵ There are other ordinances such as the Cities of Refuge that also fall into this complex mixed category and possesses all three natures (Numbers 35).

¹²⁶ Cf. *Westminster Annotations* on Deut. 21:1-9 and Num. 19.2. This topic is discussed more thoroughly in thesis chapter nine.

with extreme diligence. In cases where the perpetrator is not found, the civil authorities are to provide the sacrifice used to cleanse the land of blood-guiltiness. By doing so, they acknowledge the sinful crime to be as heinous as God said it is, and at the same time, demonstrate there is a cost associated with the needed cleansing.

Among the actions of the magistrates, particular and common equity is discerned and distinguished. The particular equity concerns the Israelite fields, running water, cities, and magistrates in the land of Canaan. As for general equity, the moral principles include 1) those in places of authority are to ensure justice, 2) murder is evil, 3) and murder as evil is to be punished.¹²⁷ One may also deduce from this ordinance a rejection of partiality and the equality of human dignity. No exceptions are made and therefore, any and all bodies found, regardless of being a Jew, Gentile, foreigner, young, old, slave or free, every case must be treated the same.¹²⁸ With this type of precept, it is incumbent upon the interpreter to properly classify the various categories of biblical law represented and then treat each one according to its own proper hermeneutic.

Abrogation versus Incorporation

Regardless of a Mosaic judicial precept's makeup, as given to Israel, Westminster perceived it as wholly abrogated, yet, as the *Confession of Faith* noted, there is still an abiding force associated with them as it pertains to any general equity associated with that law. Thus for Westminster, two uses of Israel's civil laws for other nations exists. One concerns the general equity upon which a precept was constituted, and the other entails the exact precept, if the circumstances demand and the magistrate so chooses to use it.

First, the general equity upon which precepts were constituted was derived from Natural Law and, therefore, perpetual and varied in degree of moral content from one precept to the next. Even if the precept appeared to be wholly circumstantial and applied only to Israel, there was still an eternal, underlying moral principle upon which it was constructed. This underlying moral principle could always be extracted and used to reconstruct another precept to address different circumstances in another place or time. After affirming the Mosaic civil law's abolition and its

¹²⁷ The "rough valley" intends the common equity associated with the abhorrence of murder. Cf. *Westminster Annotations*, Deut. 21.4. The authors drew their interpretation from the words combined in the phrase אֶל-גִּטְלָאֵלֹהִים.

¹²⁸ In addition to the tripartite division of laws, Walker also used the term for precepts containing any combination of natural, moral, positive, evangelical, civil, or ceremonial. Walker, *DS*, 61.

“common equity” as still binding, Ussher stated, “May not Christian Magistrates then swerve any thing from those laws of government, which were set down by *Moses*? In some circumstances they may, but in the generall equity and substance they may not.”¹²⁹

For assembly members, there remained a second option. Even though Israel’s judicial laws were dead, they were not deadly.¹³⁰ Thus, if any of Israel’s civil precept suited a need for securing justice within another commonwealth due to similar circumstances, they were free to incorporate that precept or precepts as they desired. The caveat was that they were never to be instituted on the authority of Moses the “Promulger.”¹³¹ Instead the incorporation must be based on the needed moral equity associated with the precept and its circumstantial needs and not seen as obligatory due to Moses. In his explication of *WSC*, John Thomson asked concerning the Judicial Law, “Is it lawful to use any of these Laws now?”¹³² He answered, “the judicial Law, it is not now binding as a Law; but if an Kingdom or Commonwealth should agree to make it, or any Part of it, a Part of their civil Constitution, there would be no Sin in so doing; yet we do not read of any Countries doing so.”¹³³ Likewise, Beattie stated that “these judicial laws have such marks of divine wisdom that they may well arrest the attention of modern legislators.”¹³⁴ This view is consistent with Junius, who stated,

Even if, however, all laws of this sort [judicial] are mutable according to their own nature, yet some of them are freely preserved, wherever it seems fitting, according to the rationale of communities, and others have been changed according to the facts of the matter and are no longer observed.¹³⁵

Once Israel as a nation passed off the scene, the civil laws given to her “expired” also.¹³⁶ Nonetheless, leaders of other nations may perceive within one or more of those laws a similar circumstance which leads them to incorporate a case law as given through Moses into their own societal law. As long as that precept is applicable to the prevailing circumstantial need and not enforced on the authority of Moses, then Westminster had no problem with its reinstatement.

¹²⁹ Ussher, *Body of Divinity*, 204.

¹³⁰ See this discussion in thesis chapter seven.

¹³¹ Bolton, *TBCF*, 74-75.

¹³² Thomson, *Explication of the Shorter Catechism*, Q.41.12, p. 92.

¹³³ *Ibid.*

¹³⁴ Beattie, *Presbyterian Standards*, 250.

¹³⁵ Junius, *Mosaic Polity*, thesis 31, p. 128.

¹³⁶ *WCF* 19.4.

A Contemporary Misunderstanding of General Equity

General equity, as understood by Westminster, has at times been wrongly defined. One often quoted article that sought to define equity as understood by the Assembly stated that “[e]quity denotes justice which is administered according to what is right and fair as opposed to what is strictly demanded by the rules of common law.”¹³⁷ For this quote, the authors cited *Black’s Law Dictionary* as their source. *Black’s Law Dictionary* first appeared almost 250 years after the calling of the Westminster Assembly.¹³⁸ Whether they or Henry Black defined the word equity in such a way is irrelevant.¹³⁹ What is important is that the definition is not correct for mid-seventeenth century English divines. First, the term *common law* was a synonym for general equity, and therefore, general equity could not be opposed to itself. Secondly, for Westminster, although equity refers “to what is right and fair,” it is not “opposed to” common law’s rules “strictly demanded.” Instead, it demands that all laws, common or otherwise, be constructed according to the principles of Natural Law. No law was to be unjust, unfair, or unrighteous. Equity is only opposed to a law that fails to provide the requisite moral justice or righteousness in a given circumstance. If the authors meant the underlying moral principle as distinguished from the actual case law, then there is some agreement, but the statement demands clarification at the very least.

In their next paragraph, Troxel and Wallace stated, “[w]hereas law is the written text (statute), equity consists in the application of justice to situations that those laws were designed to handle (interpretation).”¹⁴⁰ Troxel’s statement needs justifying because it appears on the surface to speak of two different aspects due to the wording. The first is “the application of justice to situations,” and the second is the idea of “interpretation.” Westminster would heartily agree that equity pertains to “the application of justice to situations.”¹⁴¹ For them, the Moral Law was the foundation of all laws and therefore, its moral equity is the aim and foundation upon which all statutes became formulated expressions for diverse circumstance. Such an

¹³⁷ Troxel and Wallace, “Men in Combat over the Civil Law: ‘General Equity’ in WCF 19.4,” 308.

¹³⁸ *Ibid.*, FN #4.

¹³⁹ Troxel’s reference does not contain quotations marks so the assumption is that he has replicated the idea behind Black’s definition. *Ibid.*

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

understanding is the very basis for their distinction between “substantials” and “circumstantials” within every precept.

That equity is the “interpretation” of a written statute is where further explanation is required. If not properly understood, the word interpretation becomes subjective and secondary. This understanding makes equity the tail rather than the dog of a statute. Westminster believed that Moral Law was the ultimate standard for validity of any statute, and therefore, if a statute violated Moral Law in any way, it was an invalid law. The general equity of the statute was the moral foundation not the interpretation of a statute. Rather, the interpretation of a statute must comport with its foundational equity. The difference between general equity as constituting and as the interpretation is as vast as night and day. The general equity upon which a law is constituted is the standard by which any interpretation of that precept is judged as consistent or inconsistent for that specific law.

Likewise, in other places, Troxel equated equity with “discretion.” Like interpretation, discretion is a role of human judgment. If the author’s aim is to define equity or general equity according to Westminster’s view, then the difference between human judgment and that which is judged must be separated. Equity is the object of human judgment and thus not discretion itself. Nor is it the interpretation of a statute. As it relates to a statute, it is either its origin or its end but not the statute itself nor its interpretation.

Interpretation deals with the literal wording and meaning of a statute. This may or may not accord with equity or general equity. For example, if Westminster were to examine *Roe vs. Wade*, they would declare that it allows for the murder of unborn babies. This *interpretation* of the law is not debatable. Regardless, Westminster would argue that it is in no way equitable to the unborn child who is unjustly murdered. Nor does it support Natural Law’s principle of equity that we are to do good to our neighbor nor do harm to another person. This legislation undermines the natural relationship and maternal care between mother and child by condoning the murder of an unborn child by its mother. The Assembly would clearly understand the law as invalid not only against Natural Law but as an unjust attack upon the image of God in the womb.

In reality, equity is the foundation and groundwork of every statute. To qualify equity as an interpretation is to relegate it to a subjective realm of the interpreter and surely the interpreter,

whether magistrate or common citizen, is to discern the equity of a statute.¹⁴² Yet, the primary role of equity is not a subjective, nebulous concept dependent on the interpreter's interpretation or discretion. Instead, equity and general equity for Westminster were objectively rooted in the Moral Law of God. More properly stated, equity is the aim of every law and the substantial purpose for and upon which every statute is constructed. By defining equity as "interpretations" and "discretion," Troxel and Wallace failed to properly reflect Westminster's meaning of general equity as reflected in the *Confession*.¹⁴³

Conclusion

When general equity is understood, the importance of the preeminence of Moral Law is more appreciated. The idea of a monolithic law code in Israel was ludicrous to Westminster. Their complex system of law reflected the complex system of laws revealed in Scripture. The tripartite division was but the foundation for a superstructure of categories and sub-species of laws demanded by Scripture's different precepts. Regardless of the precept, the foundation of all laws was, and is, the Moral Law of God, particularly the general equity upon which the law is constituted. Once constituted, a law's moral aspect was expressed in various ways in connection to the precept. On one hand every law was constructed on general equity and on the other hand, there were varying degrees of moral content expressed within the precept's literal wording. Therefore, whether the moral aspect is a principle underlying the case law or the case law's literal wording as partially or entirely reflective of its moral equity, that aspect's perpetuity is due to its immutable nature as grounded in Moral Law.

For Westminster, *general equity* is inseparable from Moral Law as found in Natural Law. It pertains to those moral general principles upon which particular case laws are constructed to secure justice and righteousness within a society. Those perpetual principles are distinct from the particular Israelite circumstances, thereby distinguishing between the precept's substance and circumstances. As a hermeneutic, Westminster's members were accustomed to distinguishing between the *substantials* and *circumstantials*, or the *general equity* and the *particular equity* within a civil precept. This interpretational approach aided them in extracting the

¹⁴² Junius affirmed this understanding when he stated, "for the end in moral things generally introduces the form, and then the principle is determined, from which actions are generally said to be just or unjust." Junius, *Mosaic Polity*, thesis 14, p. 75.

¹⁴³ *Ibid.*, 308, 310.

moral/perpetual principles and duties within a precept from the aspects that solely applied to some specific place and time in Israel. In this way, the precept itself was abolished as to its case law form and particular equity. The general/common equity remained binding, and once extracted, was easily reapplied within a new circumstantial context to ensure justice and righteousness. The next chapter continues with the fifth parallel to see how understanding Judicial Law's *general equity* comports with or differs from the *instructions of moral duties* associated with Ceremonial Law.

CHAPTER 9: THE FIFTH PARALLEL – PART 2: CEREMONIAL LAW’S MORAL CONNECTIONS

The previous chapter’s examination of Judicial Law’s general equity brings the thesis to a parallel discussion of Ceremonial Law’s moral aspects. This chapter applies the investigative data to determine Westminster’s meaning behind the phrase: “and partly, holding forth divers instructions of moral duties” with the goal of relieving the perceived tension it brings to the paragraph.¹

5 Parallels	WCF 19.3: Ceremonial	WCF 19.4: Judicial
Parallel 1	“God was pleased to give”	“he gave” (God)
Parallel 2	“to the people of Israel, as a Church under age”	“To them also, as a Body Politique” (Israel)
Parallel 3	“Ceremoniall Laws”	“sundry Judicial Laws”
Parallel 4	“now abrogated under the new Testament”	“expired together with the State of that People”
Parallel 5	“partly, holding forth divers instructions of moral duties”	“not obliging any other now, further than the general equity thereof may require”

Confessional Comparison

Although the *Savoy Declaration* and *London Baptist Confession* made alterations to paragraphs 19.3 and 19.4, this particular phrase was left intact as stated in the *Westminster Confession*.² Regardless, the proof-texts associated with this phrase were amended in the *London* when they omitted 2 Corinthians 6:17 and Jude 23 but retained 1 Corinthians 5:7. Presumably, they perceived them as redundant or less clear than 1 Corinthians 5:7. In 1 Corinthians 5:7, the apostle Paul grounds the believer’s holiness and moral purity upon Christ’s typological connection to the Passover sacrifice. The biblical text contains an imperative for

¹ WCF 19.3.

² The only alteration observable is the omitted comma after “partly” found in the *Westminster Confession of Faith*. The wording was left identical. The *Savoy* did emphasize the words “Instructions” and “Moral” by capitalizing them. Yet, none of these minor differences alter the intent or meaning of the phrase.

post-resurrection Christians drawn from an Old Testament type. Regardless of proof-text omissions, the three confessions demonstrate vast agreement on this particular doctrine.

WCF 19.3	SDFO 19.3	LBCF 1677 19.3
<p>3. Beside this Law, commonly called Moral, God was pleased to give to the people of Israel, as a Church under age, Ceremoniall Laws containing several typical Ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits;^d <u>and partly, holding forth divers instructions of moral duties.</u>^e All which Ceremonial Laws are now abrogated, under the new Testament.^f</p>	<p>3. Beside this Law commonly called Moral, God was pleased to give to the people of Israel Ceremonial Laws, containing several Typical Ordinances, partly of Worship, prefiguring Christ: his Graces, Actions, Sufferings and benefits, <u>and partly holding forth divers Instructions of Moral duties.</u> All which Ceremonial Laws being appointed only to the time of Reformation, are by Jesus Christ the true Messiah and onely Law-giver, who was furnished with power from the Father for that end, abrogated and taken away.</p>	<p>3. Besides this Law commonly called moral, God was pleased to give to the people of Israel Ceremonial Laws, containing several typical ordinances, partly of worship, (f) prefiguring Christ, his graces, actions, sufferings, and benefits; <u>and partly holding forth divers instructions (g) of moral duties,</u> all which Ceremonial Laws being appointed only to the time of reformation, are by Jesus Christ the true Messiah and only Law-giver who was furnished with power from the Father, for that end, (h) abrogated and taken away.</p>

Westminster Confession of Faith (19.3) (e)	London Baptist 1677 (19.3) (g)
1 Cor. 5:7^o	1 Cor. 5:7
2 Cor. 6:17^a	Omitted
Jude 23^c	Omitted

Survey of Expositions on the Westminster Confession of Faith

A broad survey of expositions of the *Westminster Confession* reveals three approaches were taken concerning the phrase.⁶ Some commentators *wholly ignored* the phrase giving no acknowledgment to it whatsoever.⁷ Their expositions focused on the Christological typology

³ 1 Cor. 5:7 “Purge out therefore the olde leauen, that ye may be a newe lump, as ye are vnleauened: for Christ our Passeouer is sacrificed for vs.”

⁴ 2 Cor. 6:17 “Wherefore come out from among them, and separate your selues, saith the Lord, and touch none vnclane thing, and I wil receiue you.”

⁵ Jude 23 “And other saue with feare, pulling them out of the fire, and hate euen that garment which is spotted by the flesh.”

⁶ The author also surveyed as many expositions of the *Westminster Larger* and *Shorter Catechism* as he could access. The same approach of either wholly ignoring it, or simply restating it was the norm. The catechisms do not address the Ceremonial and Judicial Law particularly, only the Moral Law, therefore, their omission of the topic is understandable.

⁷ See examples in Brown, *Explication of the Westminster Confession of Faith, and Catechisms*, 196-208; Shaw, *Exposition of the Westminster Confession*, 196-97; Morris, *Theology of the Westminster Symbols*, 506-19, Williamson, *Westminster Confession*, 141-43. Gerstner, Kelly, Rollinson, *A Guide to the Westminster Confession*,

and the abrogation of the legal corpus. Others *restated the phrase* with no real explanation of its meaning.⁸ As a benefit for their readers, these expositors faithfully followed the confessional text by acknowledging the phrase and, at a minimum, brought attention to it. Of those who acknowledged it, some went beyond a restatement and *attempted to illustrate* the phrase’s meaning.⁹

Among confessional expositors who acknowledged the phrase, two different *ideologies* exist. One group understands the moral instructions as distinct from the ceremonial ordinances, yet *mixed in* among them. For this group, the moral instructions are distinct from the ceremonial ordinances though woven in among them. This concept is found in Douglas Wilson’s exposition of the *Confession*.¹⁰ It also parallels the PCA, OPC and EPC’s amended proof-texts to the *Confession* which intermix moral, judicial and ceremonial precepts.¹¹

Another viewpoint perceives moral instructions directly related to the ceremonial ordinances, yet only *some of the ordinances possess it*. Therefore, some ceremonial ordinances are believed to possess Christological types while others possess moral instructions.¹² Among adherents to this group, some confess that although the vast majority of legal rites are divided between the two categories, there are unique ceremonial ordinances like the Sacraments that possess both.¹³

91-95. Paul Smith, *The Westminster Confession: Enjoying God Forever*, (Chicago: Moody Press, 1998), chapter on the law is completely omitted. Joseph A. Pipa, *The Westminster Confession of Faith Study Book* (Great Britain: Christian Focus Publications, 2005), 74–82. Fesko, *Westminster Standards*, 277-78. Matthew Everhard, *Hold Fast the Faith: A Devotional Commentary on the Westminster Confession* (Grand Rapid, MI: Great Lakes Christian Publishing, 2020), 150. Roland S. Ward, *The Westminster Confession of Faith: A Study Guide for the 21st Century* (Australia: Tulip Publishing, 2021), 202–3.

⁸ Letham, *Westminster Assembly*, 296. Hodge, *Westminster Confession*, 253. Beattie, *Presbyterian Standards*, 250. Douglas Wilson, *Westminster Systematics: Comments and Notes on the Westminster Confession* (Moscow, ID: Canon Press, 2014), 135. Van Dixhoorn, *CFRG*, 243-45. Chua and Lim, *The Westminster Confession of Faith with Pastoral Comments*, 148.

⁹ Van Dixhoorn, *CFRG*, 243-45. Chua and Lim, *The Westminster Confession of Faith with Pastoral Comments*, 148. It appears Chua and Lim followed Van Dixhoorn’s model.

¹⁰ Wilson, *Westminster Systematics*, 135.

¹¹ Cf. thesis chapter six.

¹² Van Dixhoorn’s language of “some” and “others” in his exposition of the *Westminster Confession of Faith* leans towards this perspective. Van Dixhoorn, *CFRG*, 244.

¹³ Cf. Cawdrey, *CSV*, 6, where Cawdrey discussed how some divided the ceremonials into three categories of “Memorials,” “significative,” or “Typicall.” He then noted the “Passover, and some others” are “undoubtedly” so. Cawdrey goes on to qualify that he only agrees “in part” based on their definition and refers his reader back two pages to his discussion of “Ceremonies to be Types, Figures, and Documents.” It is here that one finds the “instructions of moral duties” connection as discussed later in this chapter. *Ibid.*, 4-6.

There is a third viewpoint that views *every ceremonial ordinance as possessing both* typology and instructions of moral duties but is not clearly advanced or explained by any known exposition of the *Confession*. Some commentators like Francis Beattie and Robert Letham appear to be in this camp and acknowledged the concept of instructions of moral duties but do so by restating the phrase rather than providing an in-depth explanation of it.¹⁴ As stated, although he attempted to explain and illustrate the concept, Van Dixhoorn's language divided between the rituals thereby falling into the second viewpoint above. Regardless, this third perspective is the view of assembly member William Gouge and without any proof to the contrary, it also appears to be that of John Maynard.¹⁵ As discussed below, Cawdrey and Palmer also fall into this third viewpoint. If this was the dominant view of assembly members, it is no wonder the *Westminster Annotations* appear to employ this ideology thereby supporting the claim that this is the view intended in the *Confession*.

Ceremonial Law's Four Possible Moral Connections

Having discussed how expositions have treated the phrase, it is now incumbent to examine all the moral connections associated with the Ceremonial Law in light of Westminster's legal systematics. Only four moral connections are possible according to the investigative data: 1) as divine commands, 2) as expressions of the Decalogue, 3) as general equity, 4) and as typology.

As Divine Commands

As examined in Chapter three, the first parallel states that Israel's Ceremonial and Judicial Laws were particularly given by God to her through Moses, and as such, were binding on her alone. Unlike all other nations, these temporary laws were specifically designed by God and directly communicated to Israel, thereby carrying a greater obligation of obedience on her.¹⁶

¹⁴ Francis R. Beattie, *The Presbyterian Standards: An Exposition of the Westminster Confession of Faith and Catechisms*, 250. Letham, *Westminster Assembly*, 296.

¹⁵ John Maynard's treatment of the Passover is discussed later in this chapter and a list of moral duties he expounded is placed in the footnotes. His entire treatise, *The Law of God Ratified* is an illustration of his hermeneutic on display as he first explained the ritual, acknowledged the Christological typology and then exhorted his congregation to moral duties flowing from those truths. One can observe this arrangement constantly repeated throughout the treatise.

¹⁶ In Samuel Willard's estimation the divine command coupled with the gift of human reason creates a universal and manifold obligation of obedience. As he stated, "duty, in the appropriate notion of it, is an obligation lying on the creature in equity, and by the force of a precept, to the doing of a thing; and this, none but a reasonable creature is capable of. It is therefore called a reasonable service, Rom. 12:1, intimating that there is a strong and

The basis of Israel's moral obligation was that these laws were divine commands. Every command demands a duty, but more so are direct divine commands. Therefore, it becomes every rational creature's moral obligation to obey every command of God, especially those directly given. As Thomas Lye affirmed, "Must not the supream authority and will of God, so as whatsoever God commands, it must be done principally on this ground, because God commands it? Yes."¹⁷ Likewise, John Flavel asked in his exposition, "Is Obedience to God's will the Duty of every Man? A. It is unquestionably the Duty of every man to obey the will of God, so far as he hath made it known to him. Micah 6.8."¹⁸ When Gouge defined law and described its binding force, he stated, "By lawes are meant Gods will made known unto his people, which is called a law, because it bindeth all, to whom it is revealed unto obedience: A law is given unto them, and necessity lyeth upon them to observe it."¹⁹ For all those to whom a divine law is commanded, there comes with it a moral (ethical) obligation to obey.

On this same basis, George Walker stated, "that for the time and season wherein ceremoniall lawes are in force they are equall (in their obligation and binding of the persons commanded) to lawes morall and perpetuall."²⁰ Walker placed a clarifying clause in parenthesis because even though the Ceremonial Law was as equally binding as the Moral Law, they were only binding on those to whom they were commanded (in this case Israel), and that but for a time. The word moral in this context denotes the idea of *ethical* and not perpetual. More particularly, it means binding ethical behavior in relation to laws instituted by a valid authority. Some duties required by God within the Ceremonial Law may have had a perpetual intention but that is not the emphasis when the word moral is defined in this particular manner. The meaning intends that because God prescribed them for Israel, the Israelites were required to obey them,

manifold reason requiring it of them, and hence that it is unreasonable for them to deny it to him [God]; and that they must use reason in doing it." Willard, *Compleat Body of Divinity*, Sermon 148, vol. 1, 559.

¹⁷ Thomas Lye, *An Explanation of the Shorter Catechism, Compos'd by the Assembly of Divines at Westminster. With a Plain and Familiar Method of Instructing the Younger Sort in That Catechism. Specially Intended for Governours of Families, and Humbly Submitted to the Candid Judgment of the Godly and Judicious Reader* (London, 1702), 86.

¹⁸ Flavel, *Exposition of the Assemblies Catechism*, Q. 39, q. 1, p. 100.

¹⁹ Gouge, *Hebrews*, 8.10, Sect. 63, p. 271.

²⁰ Walker, *DS*, 49. William Perkins also emphasized the binding force of these laws prior to their abrogation. Perkins, *Discourse of Conscience*, 16.

regardless of the length of the precept's binding force. Nonetheless, those to whom a command is given, upon them it is binding.²¹

Although ceremonial laws as divine commands bear a moral connection, this meaning does not fit the *Confession's* context in 19.3. The *Confession* states that these ordinances hold forth instructions of diverse moral duties, not that the ordinances themselves are morally binding. Westminster presupposed the idea that Israel's ceremonial case laws produced a moral/ethical obligation upon them. One could say every command of God, whether private, as to Abraham, public as the civil laws given to Israel, or universal as the Moral Law, produces a moral/ethical obligation. Because this particular moral connection relates to every divine command, it is not a distinctive worth highlighting in a confessional statement, nor does it make sense in the contrastive two paragraphs to denote it as pertaining only to Ceremonial Law. Although true, this connection is not the intended meaning of the phrase in question.

As Expressions of the Decalogue

Westminster held two doctrines concerning the Ceremonial Law that must be stated together. First, these particular ceremonial case laws were given to Israel as “a Church under age.”²² Secondly, chapter three of this thesis observed that the ceremonial ordinances were understood as appendices of the Decalogue and primarily expressed its first four commandments. Therefore, the ceremonial ordinances were circumstantial/particular applications of the Decalogue instructing Israel, as “a Church,” how she was to worship God according to her particular circumstances at that time and place.²³ Therefore, as case laws, they prescribed and proscribed Israel's moral (i.e., ethical) obligations of worship in strict detail. As such, they clearly delineated Israel's required worship before Christ's first Advent.²⁴

²¹ Hebrews 9:1 speaks of the first covenant having “δικαιώματα λατρείας” which is translated as “ordinances of divine service” (*NKJ*) or “regulations of divine worship” (*NAS*). Thayer gave as the primary definition of δικαιώματα, “that which has been deemed right so as to have the force of law; a. what has been established and ordained by law, an ordinance: universally, of an appointment of God having the force of law, Rom. 1:32; plural used of the divine precepts of the Mosaic law.” Under this definition, Thayer listed Hebrews 9:1. Therefore, according to the author of Hebrews, the ceremonial ordinances possessed the force of law. *TGELNT*, δικαιώμα, p. 151.

²² *WCF* 19.3. See more detail on Israel as a church under age in thesis chapter 2 and the second parallel.

²³ *Ibid.* Comp. *WLC* Q. 98 with Bolton's statement “the Ceremonial Law which was an Appendix to the first Table of the Moral Law; and is an Ordinance containing precepts of worship to the Jews when they were in their infancy.” Bolton, *TBCF*, 71-72.

²⁴ *WCF* 19.3.

Because the Decalogue was viewed as a summation of Moral Law and as a restatement of Natural Law, (although with noted differences), the general principles of Natural Law were assumed within the Decalogue.²⁵ Since Westminster viewed the ceremonial and judicial precepts as appendices or applications of those moral principles to more particular circumstances, then they serve as divine conclusions given to Israel through Moses. In this sense, they are unique to all other human ecclesiastical laws of every age; for they were not contrived by human intellect nor instituted by human authority. Instead, as with the Mosaic judicial precepts, these ceremonial ordinances were the expression of the wisdom and will of God, and alterable by him alone. These legal rites were particular case laws divinely fashioned for Israel with a predetermined shelf-life. Their casuistic forms were expressions of the Decalogue and fully binding on Israel while in force; yet at this time, they are both dead and deadly.²⁶ The *case laws* concerning the priesthood, temple, sacrifices, and holy days are wholly abrogated as given to Israel. As preparatory, pre-Advent case laws for Israel, these ordinances' use and function as directions for worship have ceased. Although this is a viable moral connection, it is not the confessional meaning of the statement.

As General Equity

As set forth in chapter nine with the Judicial Law, general equity, as a constituting foundation for case laws, is also essential for Ceremonial Law and is the third moral connection. Although the Assembly did not emphasize it in the Standards, members like William Gouge demonstrated it in their preaching and writings. Gouge taught that all divine laws, ceremonial or otherwise, are constructed on common equity.²⁷ In his exposition of Hebrews 9:18-22, Gouge stated,

therefore God would have the legal rites to be answerable thereunto [common equity]: and appointed beasts to be slain, and their blood to be so and so used,²⁸ Hereby it appeareth that legal ceremonies were grounded on the rule of equity.

²⁵ See discussion in thesis chapter three; *WLC* Q. 98 and *WSC* Q. 41.

²⁶ See discussion in thesis chapter seven.

²⁷ Gouge, *Hebrews*, 9:18-22, Sect. 97, p. 374. Gouge's exposition of wills and testaments was addressed under Hebrews 9:16-17.

²⁸ *Ibid.* Gouge's argument is built on the contextual biblical argument between wills and testaments (vs. 16-17) and the death of the testator which comports with the sacrificial system and its typology of Christ's death (vs. 13-15). The statement is also found under section 97 which is entitled "Of the equity of legal rites" where "common equity" as it relates to ceremonial ordinances is discussed.

Gouge enlarged his conclusion by stating that not only are ceremonial ordinances “grounded on the rule of equity,” but as he stated,

This is a forcible motive to yeeld all holy obedience to the particular Commandements which here and there are to be found in Gods word: because they are all according to Law: all grounded on common equity, and framed according to right.²⁹

For Gouge, every command of God was to be obeyed because of its divine origin and common equity. Since God had constructed all of his commands according to the just and righteous standard of “common equity,” the laws themselves are just and righteous.³⁰ It was impossible for Gouge to conceive of any of God’s laws as founded on something other than common or general equity.

Gouge also proved the same principle of general equity from 1 Corinthians 9:8-10 which the Assembly used as a proof-text for the general equity of the Judicial Law.³¹ In contrast, Gouge applied it under his section entitled “Of the equity of legal rites” where he was expounding the sprinkling of blood at the Tabernacle, thereby placing these rites under the category of ceremonial, not judicial precepts.³² Gouge’s use of the proof-text leaves no room for denying his definition of general equity agrees with the *Confession*, thereby demonstrating that the same concept of general equity is equally associated with the judicial and ceremonial precepts.

Crossing denominational lines, Particular Baptist Benjamin Keach not only demonstrated general equity with civil laws as observed in the previous chapter, he did the same with ceremonial ordinances.

²⁹ Ibid., 9:18-22, Sect. 97, p. 374; 7:5-7, Sect. 39, p. 148. Comp. Philip Melanchthon (1497-1560), who having acknowledged the three-fold classification of the law, referred to the ceremonial and civil laws as being no longer “commanded to other nations, nor are they binding on us.” Yet, as he moves in the next paragraph to explain the Moral Law, he spoke of the “natural laws in the civil and ceremonial laws, which are also perpetual.” By doing so, Melanchthon affirmed that the perpetual aspect of these laws is derived from the underlying moral principle upon which they were constructed. He acknowledged that the moral principles are perpetual while the rituals are abrogated. Quote taken from Chemnitz, *Works*, vol. 8, 612.

³⁰ Gouge, *Hebrews*, 7:5-7, Sect. 39, p. 148.

³¹ WCF 19.4, FN “g.”

³² “In the case of Ministers maintenance, the Apostle laid down sundry grounds of equity, and among others produceth legal institutions, as, *Thou shalt not muzzle the mouth of the ox: and they which minister about holy things, live of the things of the Temple: and they which wait at the Altar, are partakers with the Altar*, 1 Cor. 9. 7, 9, 13.” Gouge, *Hebrews*, 9:18-22, Sect. 97, p. 374.

6. Under the Law God required his People to meet together in his material Temple; the Temple is gone, but the equity or equitableness of assembling together in some place or another for Publick Worship, remains for ever.

7. Under the Law God's People in their Prayers offered Incense: Incense was typical, and is gone; but the equitableness of our Duty in making our Prayers to God, and confessing our Sins, remains for ever.³³

In a marginal note by Edward Leigh concerning the morning and evening sacrifice which was unanimously understood as typologically connected to prayer as seen by Keach's statement above, Leigh stated,

Every morning and evening the Sacrifice, Exod. 29. 38. and Incense, Exod. 30. 7, 8. were to be offered up unto the Lord. These were ceremonial Laws, but there is a moral equity of them which is perpetual, and these Laws concerned the people as well as the Priests, as appeareth, Luke 1. 10.³⁴

Leigh has clearly expressed that this ordinance as part of the "ceremonial Laws" has a "moral equity" which "is perpetual." He argued from Luke 1:10 how "these Laws concerned the people" who were outside the Temple praying, "as well as the Priests" who were inside officiating.³⁵

Likewise, William Ames observed this relationship within Israel's festal ordinances.

Moreover, the yearely Feasts, new Moones, and the like ordinances, which were meerely ceremoniall, doe containe that generall equity also in them, and doe still teach us that some certaine and fit dayes ought to be appointed for publick worship.³⁶

For Ames, the festal ordinances themselves, though varying in their circumstances, were all constituted on general equity. Ames understood that times "ought to be appointed."³⁷ His use of "ought" makes setting time aside to worship God a mandatory duty. The moral or perpetual force of the duty is founded on the principles and conclusions of Natural Law: since God exists, then he must be worshipped, and if he is to be worshipped, time must be set aside for that

³³ Keach, *Jewish Sabbath Abrogated*, 181.

³⁴ Leigh, *Body of Divinity*, 622. Comp. *Westminster Annotations*, Luke 1:10.

³⁵ *Ibid.*

³⁶ Ames, *Marrow*, 328. Van Dixhoorn also observed that "William Ames saw 'general equity' associated with the ceremonial law's holy days and noted that Gouge used the same example. He also noted how Assembly member Edward Reynolds thought Old Testament history had shown "that it is 'not against equity for one to suffer the punishment of another's sinne.'" Van Dixhoorn, *CFRG*, 245-246, FN #1.

³⁷ *Ibid.*

worship.³⁸ The logical inference is so demanded that its denial is illogical and irrational. Worship is a moral/perpetual duty and therefore, all are morally/perpetually bound to set aside time for worship.

Ames also perceived general equity as a means of instruction. He stated that not only do the festal ordinances contain general equity; they “still teach us that some certaine and fit dayes ought to be appointed.”³⁹ Likewise, Gouge highlighted the instructions drawn from the general equity of ceremonial ordinances when he stated,

The equity that is couched under the legall rites giveth demonstration of the extent and perpetuall use of them. And for this end we have everlasting records of them in the sacred Scripture. They who can well discern the truths shadowed [out] in types, and the equity that is comprised under them, will find that even the legall rites are among those things which were written aforetime for our learning, Rom. 15. 4.⁴⁰

Therefore, all these men looked for the instruction drawn from the underlying moral principles constituting the statute. The ceremonial case laws contained particular directions, but the general equity upon which they were constructed also instructed concerning general truths and moral duties. Therefore, at this point, instructions within Ceremonial Law are derived from two means: 1) the actual case law and 2) the general equity upon which it is constituted. The actual case law is abrogated yet the instructions of moral duties drawn from the precept’s general equity remains.

Although general equity is a moral connection because it provides instructions of moral duties, the Assembly emphasized it with the Judicial rather than the Ceremonial Law. Nonetheless, assembly members had no reservations in pointing out this moral aspect with ceremonial ordinances and believed it to be a vital part of the hermeneutic for fully and properly treating ceremonial precepts. For them, it existed within the Ceremonial Law but was not the foremost characteristic they singled out in the *Confession* concerning these precepts. If general equity is solely what they meant by the phrase “divers instructions of moral duties,” it would have been more concise, consistent, and clear to have used the same terminology found in 19.4.⁴¹

³⁸ Cf. thesis chapter three under the section entitled Natural Law’s General Principles and Conclusions for a more detailed discussion.

³⁹ Ames, *Marrow*, 245-46.

⁴⁰ Gouge, *Hebrews*, 9:18-22, Sect. 97, p. 375.

⁴¹ WCF 19.3.

Without doubt, the phrase includes instructions of moral duties connected with general equity, but because they did not use this same language, it cannot be viewed as their full or overall intended meaning.

As Typological Instruction

“divers instructions of moral duties”: Mode and Matter

The fourth moral connection is derived from Ceremonial Law’s typology. As a starting point, Westminster’s phrase “divers instructions of moral duties” is better understood by looking deeper into its two parts.⁴² The “divers instructions” refer to the *mode* of teaching, and the “moral duties” to the *matter* taught. For the Assembly, both are inseparably connected to its typology. As case laws, the typical ordinances provided direction for Old Testament Jews in their corporeal worship. Yet, within them was another divinely placed set of instructions integral to their typological nature. Westminster maintained the longstanding tradition that perceived the legal rites as instructional and consequently intending to communicate more than mere directives for corporeal worship. Their evident typology and the way in which New Testament writers treated those legal types, provided solid ground upon which to emphasize their instructional intent.

Mode: Typological Instructions

At present, the only known parallel phrase to the *Confession’s* “divers instructions of moral duties” comes from a treatise by two assembly members published the year before the Assembly debated and drafted chapter nineteen.⁴³ Although that phrase, penned by Daniel Cawdrey and Herbert Palmer, is most likely the influence behind the *Confession’s* own wording, neither scholars nor expositors have acknowledged it. Like the *Confession*, Cawdrey’s phrase is a formal definition of Ceremonial Law which also emphasized the instructions connected to the legal rites. Their definition states,

By the Ceremonials we understand, such as concerned the Jewes, as Gods Church under age; and with them, so many, whose Ancestors had received any of them, in matters

⁴² Ibid.

⁴³ Ibid. This statement is limited to the body of knowledge and research done by this author. Scholars spoken to in this field to date have not presented anything remotely close to a parallel of the *Confession’s* phrase, nor have they or expositors of the Westminster Standards acknowledged this phrase within Cawdrey’s work as a parallel.

between God and them, or relating to a mans particular selfe, even single; Containing in them Types and Figures of Christ, and of his Graces and Benefits: Or, Documents of Spirituall and Morall Duties.⁴⁴

The definition elicits several remarks drawn from a focused observation of it. First, there are obvious parallels between it and the *WCF*. One of those parallels pertains to the *flow* of the statements as presented in following chart.

Westminster Confession of Faith 19.3	Cawdrey and Palmer's definition
Beside this Law, commonly called Moral, God was pleased to give to	By the Ceremonials we understand, such as
the people of Israel, as a Church under age,	concerned the Jewes, as Gods Church under age;
Ceremoniall Laws containing severall typical Ordinances, partly of worship,	and with them, so many, whose Ancestors had received any of them, in matters between God and them, or relating to a mans particular selfe, even single;
prefiguring Christ, his graces, actions, sufferings, and benefits;	Containing in them Types and Figures of Christ, and of his Graces and Benefits:
and partly, holding forth divers instructions of moral duties.	Or, Documents of Spirituall and Morall Duties.
All which Ceremonial Laws are now abrogated, under the New Testament.	

As to the parallel statements, Cawdrey's emphasis on the Ceremonial Law as given to "the Jewes, as Gods Church under age" is remarkably close to Westminster's "given to the people of Israel, as a Church under age." His emphasis on the Ceremonial Law as "Containing in them Types and Figures of Christ, and of his Graces and Benefits," equally parallels the *Confession's* "Ceremoniall Laws containing several typical Ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits."

Another parallel that is not so obvious by the wording is Westminster's reference to "worship" which is paralleled in Cawdrey's description of the ceremonials given to Israel which included those "whose Ancestors had received any of them, in matters between God and them, or relating to a mans particular selfe, even single."⁴⁵ The intent of Cawdrey's phrase entails the

⁴⁴ Cawdrey, *CSV*, 4.

⁴⁵ Cawdrey, *CSV*, 4.

inclusion of the ceremonial ordinances given by God for his worship prior to Moses, which ordinances were compiled and assimilated into those given to Israel.⁴⁶ Those earlier ceremonial ordinances directed the worship of God's people prior to Moses just as after him. In contrast, Westminster's paragraph focuses solely on the ritual precepts given to Israel through Moses.

Secondly, the end of the definition maintains the dual emphasis of typology found in the *Confession* concerning Christology and instructions of moral duties. Cawdrey's final phrase is set apart by the conjunction "Or" thereby possibly distinguishing the Christological emphasis from that of the "Documents of Spirituall and Morall Duties."⁴⁷ Even though Cawdrey explained his definitions, there was no specific explanation given for this particular phrase. His use of "Or" may simply be a restatement or clarification of what he meant by defining Ceremonial Law as "Containing in them Types and Figures of Christ, and of his Graces and Benefits."⁴⁸ The explanation he did provide immediately used the word "partly" twice to divide the ceremonial ordinances between those "partly belonging to the outward Worship of God" and those "partly belonging to matters of common use."⁴⁹ The difference is made clear by denoting the worship of God that was set forth by "Typicall Observances" which doubtless were understood as referring to the temple, priesthood, sacrifices, etc., while those of "common use" pertained to such everyday commands as dietary laws, laws pertaining to uncleanness, and agricultural restrictions like not plowing with an ox and ass together or plowing on the seventh year.⁵⁰

Even though the conjunction "Or" appears disjunctive, both sets of examples clearly fall under ritual types. Therefore, for Cawdrey, there is no strict divide between ceremonial precepts containing Christological types and others with instructions of moral duties.⁵¹ His list of ritual ordinances illustrating "matters of common use" as distinct from those directing their "outward

⁴⁶ "for many of the ceremonial Lawes given to Moses from God, and by him to the Jewes, were in use long before." *Westminster Annotations*, Gen. 9:3, "that liveth." Cf. annotations on Gen. 7:2.

⁴⁷ Cawdrey, *CSV*, 4.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ As Westminster's *Annotations* demonstrate, they perceived the ceremonial laws of plowing the seventh year, the prohibition of plowing with an Ox and Ass together, and the dietary laws as typological and instructional. Cf. *Westminster Annotations*, Ex. 23:11, Deut. 22:10, and Deut. 14:3, 21.

Worship of God” are no less ceremonial and no less typical of Christ.⁵² For Cawdrey, both sets were to “traîne them up...To enquire after the spirituall mysteries contained in those Precepts and Prohibitions.”⁵³

Similarly, the *Confession* emphasized between the Christological and the moral duties by the dual use of the adverb “partly,” and both are contextually understood as derived from the “typical Ordinances” of the “Ceremoniall Laws.”⁵⁴ Because the minutes of the debate on the Law are scant, the actual arguments presented during those debates cannot be known at this time. Therefore, it is theorized that the conjunction “Or” in Cawdrey’s influential parallel statement radically divided between the ceremonial precepts’ Christological types and their instructions of moral duties.⁵⁵ As a result, during the debates, the word “and” became a suitable replacement.⁵⁶ As stated above, this theory does not postulate that Cawdrey and Palmer held such a radical bifurcation but that the word they used in their treatise is conducive to it.⁵⁷ What is known is that after thorough debate, the *Confession*’s finalized wording is less disjunctive and that both aspects of Christological types and instructions of moral duties were retained and emphasized as flowing from the same fountain of ritual ordinances. This clearly denies a mixed viewpoint and lends itself to the third rather than the second view point.

Thirdly, the most important parallel phrase in Cawdrey’s definition is the last. The phrase “Documents of Spirituall and Morall Duties” is the only primary source that parallels the *Confession*’s. At first glance, it may not appear as that close of a parallel, but further investigation proves otherwise. Cawdrey’s contextual use of the word “Documents” is strange to twenty-first century ears. His intended meaning was emphasized not only by the word he chose but also by his capitalizing it. In the mid-seventeenth century, the English word *document* was derived from the Latin noun *documentum* and Latin verb *docere*; and both conveyed the meaning

⁵² Cawdrey, *CSV*, 4.

⁵³ *Ibid.*

⁵⁴ *WCF* 19.3.

⁵⁵ This theory is solely that of this author.

⁵⁶ *WCF* 19.3

⁵⁷ Cawdrey clearly admits that some ceremonial ordinances such “as the Passeover, and some others: possess all three uses of being memorials, signs, and types. He added that in contrast to those who only define ceremonies as “only Figurative” he had described them previously “to be Types, Figures, and Documents.” Cawdrey, *CSV*, 6.

of *instructions*.⁵⁸ The Latin *documentum* means “lesson” or “proof,” while the verb *docere* means “to teach.”⁵⁹ By replacing the word “Documents” with “instructions,” one sees how beautifully Cawdrey’s phrase parallels Westminster’s.⁶⁰

That Cawdrey intended the meaning of instructions is proven from his use of the word “document” in other places of his treatise.⁶¹ During his discussion of Acts 15, he addressed the Jerusalem council’s prohibition of eating things sacrificed to idols and the eating of blood.⁶² For Cawdrey, both prohibitions fell under the category of Ceremonial Law, and he described both as a “document.”⁶³ The former he said was “forbidden in the Ceremoniall Law by way of a Document, to teach them to abominate idols.”⁶⁴ The latter he described as “a document of a spirituall thing, namely, to teach them to abhorre shedding the Bloud of men.”⁶⁵ In both instances, the clarifying phrase “to teach” follows the word “document” as a means to introduce what is taught by the ordinance as a mode of instruction or “document.”⁶⁶

⁵⁸ The *OED*’s primary meaning of “document” during this period of history is “Teaching, instruction, warning.” Their definition is punctuated by denoting that this meaning is now “Obsolete.” “*OED*,” document, accessed 2/8/2022.

⁵⁹ *Ibid.*

⁶⁰ The minor differences being the added word “divers” in the *WCF* and “Spirituell” in Cawdrey’s definition. Whatever the debated reason(s) for the change from *documents* to *instructions*, etymologically, the word document in the English as Cawdrey used it was already falling out of use.

⁶¹ Edward Leigh used the word *documents* with the intended meaning of *instructions* or *teachings* when he stated, “The Scope of the Psalm is, That Gods people may see what documents are given unto them of God, whereby they may be brought and led to the true, certain and saving knowledge of God: to the seventh verse, it sheweth how they were taught by the works of God: thence to the end, how they were instructed by his word.” Leigh, *Body of Divinity*, 69. Samuel Rutherford stated, “But Saltmarsh and Familists here tell us, Christ is a meere figure, sampler, document or example onely, in which God discovers to us grace and love...” Rutherford, *Spiritual Antichrist*, 220. Comp. “The Greekes say in their Proverb, (?), and the Latines answer them both in the rime & reason, *Nocumenta documenta*, that is, we gain wit by our losses, and the rod imprinteth learning into us.” Daniel Featley, *Clavis Mystica a Key Opening Divers Difficult and Mysterious Texts of Holy Scripture; Handled in Seventy Sermons, Preached at Solemn and Most Celebrious Assemblies, upon Speciall Occasions, in England and France. By Daniel Featley, D.D.* (London: Printed by R[obert] Y[oung] for Nicolas Bourne, at the south entrance of the royall Exchange, 1636), 682–83.

⁶² Cawdrey, *CSV*, 23-25.

⁶³ *Ibid.*

⁶⁴ *Ibid.*, 24.

⁶⁵ *Ibid.*, 25. Assembly member Thomas Young stated, “Since saith he [Wallaeus], it is in bred by nature, in all Nations, that in the external worship of that Deity which they take for supreme, they should have some Symbole of Document, which may shew to others, whom they take for God.” His use of the word retains the meaning in a context where religious rites become a “Symbole” or “sign” to others to inform or teach them about the god they serve. Young, *Lord’s Day*, 141-42.

⁶⁶ *Ibid.*, 24-25. Cawdrey employed the word similarly two more times in his treatise. Both are in direct association with the Ceremonial Law. The first speaks of “the *Ceremoniall Types* and *Documents*,” and the last was

As understood by many renowned Jewish commentators of the Pentateuch, the Torah also provides support for Cawdrey's use of the word in association with legal rites.⁶⁷ The Torah is the Pentateuch, or first five books of Scripture, and attributed to Moses' authorship. Many associate the word Torah with law, yet the Jews understood the word as instruction or law. Although moral laws are found throughout Scripture, the bulk of them are found in the Torah along with the Ceremonial and Judicial Laws given to Israel.⁶⁸ As a Jewish presupposition, the Torah was considered a means of instruction and not merely a collection of laws. Because of their contextual location within the Torah, the Torah's instructional framework insists they be viewed as instructional and directive.⁶⁹ This mindset is especially true for the Ceremonial Law

in speaking of the special ceremonial days in the Old Testament, which unlike days appointed by men, were "more profitable in this consideration of being *Documents* of some of the Mysteries of Christ." *Ibid.*, 29, 121. Westminster combined the two ideas of the infancy of the Old Testament Church and the need for instruction provided by the Ceremonial Law in their annotation of Galatians 3:19. One of those annotations states, "This use of the servile manuduction was to last during the Churches infancy, and proneness to fall into sin by infirmity, or ignorance; but it was to be laid by and surcease at the coming of Christ into the flesh." What is laid aside is the Ceremonial Law and it is described as "the servile manuduction." Manuduction is derived from the Latin "*manus*" [meaning] hand, and *ductio*, a leading" and means "a leading by the hand, a guiding." It intends instruction and direction by leading. Therefore, the ceremonial ordinances given to lead and instruct the under-age church are abrogated by Christ's first advent. *Westminster Annotations*, Galatians 3:19. Phillips, *The New World of English Words*, "Manuduction." Comp. Noah Webster, "1828 American Dictionary of the English Language" (Foundation for American Christian Education, 1993), Manuduction.

⁶⁷ As examples, in Exodus 16:4 where God states, "That I may thus test them," Rabsbam (R. Samuel b. Meir, ca. 1085-ca. 1174), stated it is better translated as "that I may thus train them." He continues and explains, "Knowing that their nourishment every day is dependent on Me, they will believe in Me and follow My instructions." The same meaning is ascribed to *torah* by Ibn Ezra (R. Abraham ibn Ezra, 1089-1164) on Exodus 16:28. Michael Carasik, *The Commentator's Bible: The Rubin JPS Miqra'ot Gedolot, Exodus* (Philadelphia, PA: The Jewish Publication Society, 2005), 123, 129. Comp. with Milgrom's observations of the word as part of a "resumptive subscript" summarizing a prescriptive ritual as in Num. 5:29 (see also e.g., Lev. 7:1, 11, 37, 11:46, 12:7, 13:59; Num. 6:13, 21; 19:2, 14). Jacob Milgrom, *Numbers =: [Ba-Midbar]: The Traditional Hebrew Text with the New JPS Translation*, The JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1990), 42. Every word has a lexical domain but is always contextually constrained. Therefore, the primary emphasis of *torah* is *instruction*, yet its lexical domain includes the idea of *rule*, *direction*, and *law*, all of which are a form of instruction. Torah (תּוֹרָה) as defined in *HALOT* reflects the same in that it possesses a primary meaning of "direction, instruction," and a secondary meaning of "instruction, decision." Its tertiary meaning is "established, particular instruction, rule," and its quaternary and final meaning is "instruction." The word's lexical domain reveals that "instruction" permeates every meaning of the word, even when associated with rules and directions, for laws as a form of instruction. Many Westminster Assembly members were acquainted with Jewish understandings either through Jewish writings or personal contact. The biographical sketch of Gouge's life reveals that he was taught Hebrew by a Jew while attending Kings College and "became very expert" in it. Gouge, *Hebrews*, biographical sketch, unnumbered page.

⁶⁸ Examples are found in Exodus 20:2-17; Deuteronomy 5:6-21,

⁶⁹ Cf. John E. Hartley, *Leviticus*, ed. David A. Hubbard et al., vol. 4, Word Biblical Commentary (Dallas, Tex: Word Books, 1992), Introduction, xxxi. Others have noticed that even though the book of Leviticus is a book of laws concerning the priests and the ritual sacrifices, yet, so much information is missing concerning how those rituals were to be strictly carried out that they are not intended to be a priestly manual for offering the various sacrifices. Rather, they served a different end with the probability that the material was drawn from another source which was more complete. Thus, the information collected to construct Leviticus simply served to instruct both the

and its inherent typology.⁷⁰ Consequently, this typical instruction, especially its antitypical realities, becomes part of the substance or *substantials* of these ritual ordinances. Cawdrey and the Assembly, in accord with Jewish presuppositions, are conveying that typology within ceremonial ordinances is inherently instructional by design.

Because the ceremonial classification required each of its precepts to possess a typological quality, this legal corpus, as a whole, contains a manifold system of instructions distinguishing it from every other legal category. As seen in chapter two, typology was tangentially connected to the Moral Law, marginally connected with the Judicial Law, yet essentially connected with the Ceremonial Law. The Ceremonial Law's essence of typology creates an additional perpetual mode of instruction that remains even though the case law is abrogated. The need to rightly distinguish the general equity, case law, and typology are crucial to these assembly member's hermeneutic. The general equity serves as the moral foundation upon which a case law is constructed. The case law is the actual precept or law written to address a particular circumstance within a society, and as such, is a particular application of general equity's moral principle to that circumstance for ensuring justice and righteousness. Within ceremonial ordinances, there is an added dimension: Typology. The typological nature of each precept carries with it the divine purpose of conveying instructions. This body of instructions does not replace the truths of general equity, but adds to them. The result is a compound or manifold body of instructions with origins in both creation (Natural Law) and redemption (evangelical).⁷¹

How this typological aspect informs the Assembly's authorial intent of the phrase 'divers instructions of moral duties' demands the remainder of the chapter's attention.⁷² The final discussion examines some of the assembly's understanding of how Ceremonial Law's typological

priest and worshipper concerning how God's people relate to him and each other, thereby becoming a book of values or directives for holiness. Cf. Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics*, A Continental Commentary (Minneapolis, MN: Fortress Press, 2004), Preface and Introduction. Comp. Hartley, *Leviticus*, 1-7; John H. Sailhamer, *The Pentateuch As Narrative: A Biblical-Theological Commentary* (Grand Rapids, MI: Zondervan Publishing House, 1992), 323-24.

⁷⁰ Although the entire New Testament is a source for finding the antitypical truths to Old Testament types, especially the Ceremonial Law, Gouge affirmed that when it comes to "the Explication of legal *Types*: and Application of them to their distinct *Truths*...No other book is herein comparable to" the book of Hebrews. Gouge, *Hebrews*, Introduction, Sect. 2, p. 2.

⁷¹ Cf. thesis chapter four under "Evangelical laws."

⁷² WCF 19.3.

essence creates a manifold system of theological and Christological truths that demand a corresponding manifold system of moral duties rooted in both creation and redemption. This understanding provides the theological presuppositions needed to properly understand Westminster's phrase in its historical, confessional context.

Matter: Truths and Duties

The Assembly understood the typology of legal rites as the *mode* of instruction, but the *matter* it taught was of preeminent importance. Although the Ceremonial Law was specifically designed for and given to Israel, the typical instructions as perpetual are intended for the universal church.⁷³ Those moral instructions consisted of two elements: Truths and Duties. Protestant divines taught that, like judicial precepts, every ceremonial precept contained both a substantial and circumstantial aspect.⁷⁴ Among judicial precepts, the substantial/circumstantial distinction was respectively synonymous with the common equity/particular equity distinction.⁷⁵ In contrast, *the substantial distinction is much broader in ceremonials due to their typological nature.*⁷⁶

The *Confession* acknowledged the case law by speaking of the “typical Ordinances, partly of worship.”⁷⁷ Israel's external worship was prescribed by these “Ordinances” or written case laws.⁷⁸ Because the ceremonial substantials exceed the general equity by adding the *typological* substantials embedded within them, it is warranted to say that Westminster did not conceive the relationship as an either/or classification but a both/and necessity. It was the Ceremonial Law's intricate nature that led Gouge to urge his reader against what he called “a single, simple consideration” of legal rites and their truths,

⁷³ Gouge observed a similar dynamic in the New Testament. Even though epistles such as Luke, Acts, Timothy, Titus, and Philemon were written to individual people, the general truths they contained were intended for the entire Christian Church.⁷³ Similarly, when Paul wrote letters to particular churches, he expected, and even directed them, to share those letters so they could be read in other churches (Col. 4.16). Gouge, *Hebrews*, Introduction, Sect. 8, p. 5.

⁷⁴ Cf. thesis chapter nine's discussion of the general equity associated with judicial precepts.

⁷⁵ *Ibid.*

⁷⁶ There is a marginal note under Gouge's exposition of Hebrews 8:5 which states, “Types had their truths. See Chap. 9. 115, 117, 122.” This marginal note is found under his explanation of the heavenly truths taught by the ceremonial types. Gouge, *Hebrews*, 8:5, Sect. 13, p. 228. *Some* judicial precepts may have possessed a typological element, but it was not essential to it as a judicial statute.

⁷⁷ *WCF* 19.3.

⁷⁸ *Ibid.*

We may from hence gather, that it is pains worth the taking, to search after the Spirituall, Evangelicall and Celestiall truths that were comprised under their externall and legall Rites. By this means may we in many respects come to discern sundry particular benefits arising out of those truths, which it may be, we should not so readily discern in a single, simple consideration of the truths themselves.⁷⁹

In another place, Gouge again exhorted them that, “[i]t will be worth our paines to use all the meanes and helps we can for finding out the heavenly matters intended under them (i.e., types).”⁸⁰ For Gouge, the substantials concealed within these rites were manifold, connected, and layered. It was by intense study and meditation, coupled with a proper hermeneutic, that one extracts divinely embedded substantials from within these legal rites.

Diverse Truths

According to Keith Mathison, the book of Leviticus is not only “one of the most neglected books in the Bible,” it is also “one of the least understood.”⁸¹ Its overwhelming degree of legal rites led to the neglect and misunderstanding of Leviticus and other similar texts containing ceremonial ordinances.⁸² Yet, within this genre of biblical law resides the most glorious truths ever revealed to humanity. Divine revelation concerning the promised Messiah progressively increased in the Old Testament. Beginning with the *protoevangelium* in Genesis three, an increase of ceremonial ordinances began for the purpose of teaching God’s people about the Messiah and directing their lives accordingly. These ceremonial ordinances reached their zenith under Moses; for at Mount Sinai, God sanctioned for Israel many ceremonial ordinances already in existence along with a multitude of new ones.

Christ Typified

Although Israel’s ceremonial ordinances were abrogated, the evangelical truths and duties perpetually remain. As eternal truths, they continue to shine light on the person and work of Christ while also providing immense instructions that help the believer to live joyfully before

⁷⁹ William Gouge, *Hebrews*, 4:8, Sect. 50, p. 428. Comp. “The scriptures of the Old Testament were given by inspiration of God; holy men of old spoke and wrote as the Holy Ghost directed them. And these Old-Testament records are of great use and significancy, not only to those who first received them, but even to Christians, who ought not to satisfy themselves with reading the institutes of the Levitical law, but should learn what the Holy Ghost signifies and suggests to them thereby.” Henry, *Commentary on the Whole Bible*, 2393.

⁸⁰ Gouge, *Hebrews*, 8.13, Sect. 13, p. 229; Heb. 4:8, Sect. 50, p. 429. (parenthesis original)

⁸¹ Keith Mathison, “The Book of Leviticus,” Ligonier.org, December 23, 2010, <https://www.ligonier.org/learn/articles/the-book-of-leviticus>.

⁸² The book of Deuteronomy with its teaching on law as well as smaller texts such as Exodus chapters 21-31; Numbers chapters 3-8, 15, 18-19, 28-30, 35.

God, in Christ. Daniel Featley affirmed the richness and glory of these truths, while addressing the absurdity of believing in the continued obligation of the actual rituals.⁸³

“Thus I might take off the cover of all the legall types, and shew what lieth under them, what liquor the golden vessell containeth, what mysteries the precious robes involve, what sacraments their figures, what ablutions their washings, what table their Altars, what gifts their oblations, what host their sacrifices pointed unto. The Apostle in the Epistle to the Hebrewes observeth such an admirable correspondency betweene these things, that in this respect the whole Scripture may be likened to one long similitude...For in the Old, as the Apostle testifieth, *there were similitudes of true things*; [Heb. 9:23-24] but in the New we finde the truth of those similitudes. Which if our new Sectaries of the *precisian* or rather *circumcision* cut had seriously thought upon, they would not, like *Aesops* dog, let fall the substance by catching at the shadow; they would not be so absurd as to goe about to bring the aged Spouse of Christ to her festraw againe, and reduce all of us her children to her nonage under the law: they would not be so mad as to keepe new moones, and Jewish Sabbaths, after the *Sunne of righteousness* is risen so long agoe, and hath made us an everlasting Sabbath in heaven.”⁸⁴

Featley eloquently wove together Westminster ideologies of Ceremonial Law’s role for the Old Testament’s underage church, its New Testament antitypes, its abrogation, and its evangelical substantial. For Featley, a ceremonial ordinance’s value in the New Testament era was not in its case law or ritual, but in the truths it taught and its realized antitypes.

Even though there were many different modes of instructions, the Ceremonial Law being but one among many, Gouge believed that all the diverse instructions pointed to a single, primary truth. That truth being, “that Jesus Christ is the alsufficient, and only Saviour of Men.”⁸⁵ This primary doctrine is “the truth of all sorts of Types; whether they were choice persons, sacrifices, sacraments, sacred places, sacred instruments, sacred actions, or any other sacred things.” For Gouge this one majestic truth was the aim of all God’s forms of instruction. As he stated,

This was the Summe of the first Promise made to man after his fall [in] Genesis 3:15,...the substance of the prophecies,...[what] was intended by the great deliverances which from time to time God gave to his Church and people,... the end of writing the History of Christ by the Evangelists,...the summe of the Sermons of the Apostles,

⁸³ According to the marginal note, Featley is refuting the doctrine held by men referred to as “Mr. Whittall, Bradburn, and their followers.” Featley, *Clavis mystica*, 411.

⁸⁴ *Ibid.*

⁸⁵ Gouge, *Hebrews*, Introduction, Sect. 10, p. 6.

recorded in Acts,...[and] the summe of their severall Epistles...To *this* do tend all the divine Instructions, Refutations, Exhortations, Consolations, Denunciations.⁸⁶

As his vast commentary demonstrates, a host of other truths concerning Christ are taught by these different types, yet for Gouge, each one served to enforce, exhibit, and explain Christ as the sufficient Savior. As Gouge understood it, an additional, complex body of ceremonial ordinances was added to the other modes of instruction to purposely and more directly set forth this complex body of truths needed for instructing God's people. The Ceremonial Law's variety of truths was enshrouded in their prescribed worship rituals and yet, like a beautifully woven tapestry, they harmoniously intersect producing a glorious picture of the sufficiency of Christ's person and work revealed in the gospel.⁸⁷

The priority of the truth above the ritual within a ceremonial ordinances was addressed by Gouge when he stated that "the ground of the Saints faith was not the externall Rites that they performed, but the internall truth which they believed."⁸⁸ The case laws were divinely designed to convey evangelical truths by means of their typology.⁸⁹ While the Israelites were engaged in the physical act of obeying the literal command, they were acting out the evangelical truths within those corporeal ordinances. Gouge emphasized that these evangelical truths were to be rested in, not the corporeal rituals.⁹⁰ Those truths as he stated,

comprised Christ himself, his natures, offices, actions, sufferings, his coming into the world, living in the world, and going out of the world: his death, buriall, resurrection, ascension into

⁸⁶ Ibid.

⁸⁷ Tapestries were used not only as art and wall insulation, but, as seen with the The Apocalypse Tapestry, 1377–1382, some also conveyed biblical truths. It is France's oldest tapestry with a length of almost 100 m. and is a pictorial of scenes from the book of Revelation. For more information on The Apocalypse Tapestry: Laura Moore, "The Apocalypse Tapestry Found Within the Angers Chateau," Story of a City, October 27, 2020, <https://www.storyofacity.com/2020/10/27/apocalypse-tapestry-angers-chateau/>.

⁸⁸ Gouge, *Hebrews*, Heb. 4:8, Sect. 50, p. 429. Gouge gave a more detailed discussion on the distinction in answer to an objection on the subject: "Object. Excellent ends of the Ceremoniall Law are set down, v. 12. §. 68. How then can this commandement be carnal? Answ. It may be considered two wayes, 1. Simply. 2. Comparatively. The simple consideration admits also a distinction. For, 1. The Ceremoniall Law being instituted by God, as the outward part of his worship, and prescribing types of Christ the truth, may be accounted spiritual and divine: and thus it was had in high account amongst Saints, till all things typified thereby were accomplished in Christ. 2. That Law consisting of external matters specified before, those external things separated from Christ, the divine and spirituall truth, was but carnall. In this respect the Lord saith, I will take no bullock out of thy house, &c. Psal. 50. 9. And to the Lord it is said, sacrifice and offering thou did'st not desire, &c. Psal. 40. 6. Comparatively, and that in opposition to the Gospel, it was indeed a carnall Commandement: especially as it was used for justification and salvation," Ibid., 7:16, Sect. 81, p. 183.

⁸⁹ See marginal notes, Ibid., 4:8, Sect. 50, p. 428.

⁹⁰ Ibid., 4, Sect. 49, p. 427. See also Ibid., 8:1-5, Sect. 13, p. 229.

heaven, intercession, and all things that he did, undertook, endured, and still continueth to do for mans full redemption and eternall salvation.⁹¹

As evangelical, these truths involve that great “mystery” (μυστήριον) of salvation of which the Apostle Paul so often spoke.⁹² The revealing of that great mystery mandated a manifold witness to those truths.⁹³ Types by their nature are limited in what each one can reveal. Therefore, seeking to reveal the unimaginable reality of who Christ is and the Mediatorial work he was to perform, a multitude of types were designed to assist in painting as complete a picture as possible. The various types are like a crowd of eyewitnesses to a marvelous event. Each witness providing what only he or she could see, yet together the collective witness provides a more comprehensive understanding. Types operate in the same way with many repeating and reinforcing the same truths, and some adding their own unique information.

Of these truths set forth by diverse types, some were *prophetic* while others were *patterns*. As already stated, much of the typology pointed ahead to the coming Messiah. These prophetic types showed forth the person and work of Christ in advance and were *foretelling* types. Other types were a *pattern* (τύπος) of things already in existence and were *forthtelling* types. Gouge explained how Melchizedek was both a type and a pattern. As a pattern his righteous conduct and rule sets forth the righteous rule and conduct every magistrate must aspire unto as it reflects God’s eternal justice and rule. Also as a pattern, the people are to “Pray that righteous Lawes may be made: and those righteously executed. Pray that the Gospell, the rule of righteousnesse, may be established. That there may be righteous Councillers, [and] righteous Magistrates.”⁹⁴ In contrast, as a type, Melchizedek set forth Christ in two ways: “1. That Christ was a true King. 2. That Christ raignd in righteousnesse.”⁹⁵ By these types “he prefigured Christ to be a King of peace” and the “peace and unity of Christs Kingdome.”⁹⁶

When Moses was instructed to build the earthly tabernacle, he was warned to construct it *according to* the “pattern” shown him. Westminster stated that “God shewed Moses a model,

⁹¹ Ibid., 8:1-5, Sect. 13, p. 228.

⁹² Cf. Rom. 11:25, 16:25; 1 Cor. 2:7, 15:51; Eph. 3:3-9, 5:32, 6:19; Col. 1:26-27, 2:2, 4:3; 1 Tim. 3:9, 16.

⁹³ Cf. Gouge, *Hebrews*, 8:1-5, Sect.8, p. 223-24. (page 224 is errantly numbered as page “210” in the original.)

⁹⁴ Gouge, *Hebrews*, 7, Sect. 19-21, p. 133-34.

⁹⁵ Ibid.

⁹⁶ Ibid.

after which he was to build the Tabernacle.”⁹⁷ It is doubtless these men perceived a physical tabernacle in heaven as that which Moses was to replicate. One reason is drawn from the change from the Tabernacle to the Temple. If what Moses was to construct was to replicate an actual, physical structure, then either Moses’s Tabernacle or Solomon’s Temple are direct deviations from the heavenly prototype.⁹⁸ This conclusion further rests on the fact that what Moses was to construct was to become “figures of Heavenly and spiritual things.”⁹⁹ Accordingly, Gouge stated,

If (as many think) the example of things which God commanded Moses to make (Exod. Chap. 25, &c.) were most the heavenly things themselves, then would things earthly, as those examples were, be heavenly. For the Tabernacle, most holy place, Ark, mercy seat, Altar, and other types were all of earthly things and in regard of their matter earthly: but the heavenly things here intended were of another kind, even such as were before mentioned concerning Christ: for the body is of Christ, Col. 2. 17. and by Gods making known to Moses, both Moses, and others by his instruction, might understand what the legall types prefigured and set forth unto them. Herein consisteth the excellency of the legall types: which though they were in themselves but examples and shadows, as was shewed in the former Section: Yet they were examples and shadows of heavenly things: They were patterns of things in the [heavens?], Heb. 9. 23. and a shadow of good things to come, Heb. 10. 1.¹⁰⁰

Gouge perceived the Mosaic tabernacle and its vessels as “earthly things” which of necessity were constructed of “matter” that is “earthly.”¹⁰¹ He understood Moses’s replicas as “another kind” from that which concerns the heavenly pattern from which they were designed.¹⁰² His conclusion is that those “heavenly things” concerned “Christ: for the body is of Christ.”¹⁰³ In this regard, as “legall types,” they are “examples and shadows of heavenly things.”¹⁰⁴ Such didactic truths concern the eternal economy and conduct in heaven, and yet, the eternal and

⁹⁷ *Westminster Annotations*, Exodus 25:9 “After the pattern.” See also Gouge’s explanation which accords with the *Annotations* but adds considerable detail. “The Greek word doth not alwayes signifie (as the letters sound) a type, which prefigures a thing to come: but also a pattern, (as our English hath here well translated it:) a pattern or ensample, to make, form, or order another thing by it. In this sense is this word oft used in the New Testament: thus, ye were ensamples (1 Thes. 1. 7.) to make our selves an ensample (2 Thess. 3. 9.) So 1 Tim. 4. 12. Tim. 2. 7. 1 Pet. 5. 3. Herein a Metaphor is comprised, taken from Painters, or Limmers, who have their patterns before them, and so set their eye upon that pattern, as they draw their picture every way like the pattern.” Gouge, *Hebrews*, 8:5, Sect. 13, p. 228.

⁹⁸ One could also include the temple’s post-exilic design following the Babylonian captivity.

⁹⁹ Maynard, *LGR*, 77.

¹⁰⁰ Gouge, *Hebrews*, 8:5, Sect. 13, p. 228-29.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

immutable character of God concerning his holiness, justice, grace, forgiveness, longsuffering, desire to save, and his hatred of sin are all truths couched within the sacrificial system and its priestly functions surrounding the temple.

Christ's Two Natures: Theological and Christological Truths Typified

Some of the Ceremonial Law's substantial truths are purely *theological*, while others are particularly *Christological*. The theological truths reflect the Godhead in general, and as such, they are antecedent to the Incarnation. The Christological truths became a reality when the eternal Son of God took unto himself a human nature, and at that moment, became the Christ, or the Messiah.¹⁰⁵ Westminster intends both the general theological and the particular Christological truths by its statement.

This conclusion rests on the doctrine of Christ's two natures, which requires both sets of truths as subcategories under the Christological category.¹⁰⁶ Prior to the incarnation, the perfections of God were already eternally in existence and are as true concerning Christ's divine nature as they are of either the Father or the Spirit.¹⁰⁷ Such truths as God's mercy, longsuffering, faithfulness, patience, love, wisdom, justice, holiness, and hatred of sin did not come into being with the incarnation. Yet, it is admitted that apart from the saving acts of God through Christ, some of these theological truths are not as evident to humanity.¹⁰⁸ Nonetheless, they predate Christ's coming into the world and are eternal, divine perfections within the Godhead.¹⁰⁹ Christ's incarnation not only allowed God to dwell among humanity, it allowed him to exposit

¹⁰⁵ WCF 8.2-3. There was a specific moment in history at which point the eternal Son of God took unto himself a human nature and at that moment the promise of the Messiah/Christ became a reality in the world (Gal. 4:4; Jo. 1:14; Rom. 1:3; Phil. 2:7; Mat. 1:23; Isa. 7:14, 9:6). Cf. *Westminster Annotations*, Rom. 8:3; Galatians 4:4, Philippians 2:6-8, Heb. 7:3; Thysius, *SPT*, vol. 2, Disp. 25.4, 25.

¹⁰⁶ WCF 8.2; WLC Q. 36-55; WSC Q. 21-22. Gouge understood the aim of all modes of divine revelation as Christological and with that not only Christ's two natures but his three offices. "That *this* may the more distinctly, clearly and fully be demonstrated, the Apostle doth to the life set out Christs two *Natures*, divine and humane in one *Person*: his three *Offices*, Princely, Propheticall and Priestly; together with the excellency and sufficiency of them. To *this* do tend all the divine Instructions, Refutations, Exhortations, Consolations, Denunciations." Gouge's view of the two natures and three offices is in strict harmony with the flow of questions in WLC Q. 36-55. Gouge, *Hebrews*, Introduction, Sect. 10, p. 6.

¹⁰⁷ WCF 2.3, 8.2.

¹⁰⁸ Cf. Jo. 1:14, 17; Rom. 9:22-23; 1 Jo. 1:1-2.

¹⁰⁹ Cf. Rom. 5:8; Jo. 1:18, 9:3; 1 Jo. 4:9.

and exhibit the eternal and invisible perfections of God to the world.¹¹⁰ Therefore, the incarnation and the human nature requisite for a full atonement added a new body of truths to those eternal truths concerning the Godhead.¹¹¹ The eternal, theological truths associated with Christ's divinity are as essential as those truths stemming from his human nature in that both natures were requisite for a just and sufficient atonement.¹¹²

Evangelical Truths Pertaining to Christ's Mediatorial Work

In addition to the truths of Christ's person are those evangelical truths pertaining to his Mediatorial work. To illustrate, the sacrificial system's typology adds to the body of substantial truths by conveying critical truths such as that in order to worship God in an acceptable manner, one needs a vicarious atonement achieved through the shedding of blood and consequent death of another. Integral to this truth is that sin deserves death and that God will require its full payment from either the sinner or a qualified substitute. Another substantial succinctly stated in the book of Hebrews is that "without the shedding of blood, there is no forgiveness of sins" (Heb. 9:22).¹¹³

These are but some examples that could be supplied. As each sacrifice is individually examined, more substantial truths are discerned. For instance, in Leviticus 4, the sin offering was for unintentional sins (4.2).¹¹⁴ This clearly sets them apart from sins committed willfully and flagrantly, thus directing attention to the individual's motives and the ensuing various degrees of guilt. Every sin incurs guilt; even those done in ignorance, yet some are more heinous than others.¹¹⁵ The body of substantial truths increases because the ritual distinguishes between four different guilty parties: "the anointed priest," "the whole congregation of Israel," "a leader," and "anyone of the common people."¹¹⁶

¹¹⁰ *Westminster Annotations*, John 1:18. Cf. Mat. 1:23, Jo. 1:14, 10:30, 12:45 14:9; Col. 1:15; Heb. 1:3; 1 Pet. 1:10-12.

¹¹¹ Cf. "the mysteries of salvation" *WCF* 8.8.

¹¹² *WCF* 8.1-3. *WLC* Q. 152 "What doth every sin deserve at the hands of God? A. Every sin, even the least, being against the sovereignty, goodness, and holiness of God, and against his righteous law, deserveth his wrath and curse, both in this life and that which is to come; and cannot be expiated but by the blood of Christ."

¹¹³ Heb. 9:22, *ESV*.

¹¹⁴ Some English translations interpret the word as "ignorance" (*GNV*, *KJV*, *YLT*) or "unwittingly" (*ASV*, *RSV*)." The Vulgate has "*ignorantiam*."

¹¹⁵ *Westminster Annotations*, Lev. 4:3, "sinne."

¹¹⁶ Lev. 4:3, 13, 22, 27, *ESV*.

The differing sacrifices for each guilty party teach that the sin is aggravated and becomes more heinous depending on the offending party. Sacrifices for unintentional sins committed by the High Priest and the whole congregation require a bull; those of leaders require a goat, and those of common people, a goat or a lamb.¹¹⁷ The sacred *office* of the Priest, standing in representation of the whole congregation (or as part of the sinning congregation), aggravates his sin as it does when the whole nation sins.¹¹⁸ So too, the leader among a people aggravates his or her sin by reason of their office or influence.¹¹⁹

Westminster's annotations provide even more truths embedded within this ordinance. They stated that in verse four, the act of placing one's hands on the sacrificial animal teaches that the sinner "deserved the same punishment which the beast suffered."¹²⁰ The requirement for the sinner to bring the blood of the sin offering into the Tabernacle teaches that our way into heaven is "opened...by the blood of Christ."¹²¹ The seven-fold sprinkling of blood signifies "our perfect cleansing from sinne, by the sprinkling of Christs blood, Heb. 9:13-14. and that our sins require much purgation, Psalms 51:2."¹²²

The list of truths derived from this one sacrificial ordinance is not acquired from general equity or Natural Law. The main point emphasized is that this body of evangelical truths is derived from the typology of the ordinance and not its general equity. Both sets of truths (general equity and typology) are equally valid as instructions for God's people in every age, yet they are drawn from different wells. The case laws were temporary, but the truths they set forth by their inherent typology are perpetual.

¹¹⁷ Cf. *WLC* Q. 151. Comp. with Westminster's annotation on Lev. 4:3 where they note that this sacrifice on behalf of the High Priest or the whole congregation was to be wholly burned up, unlike the Peace Offering, where part of the sacrifice was eaten. The conclusion drawn was that this difference taught "the greater horreur of greater sinnes." *Westminster Annotations*, Lev. 4:3, "sinne-offering."

¹¹⁸ Cf. *WLC* Q. 151, FN "t" 2 Sam. 12:7-9, Ezek. 8:11-12, citations used to support the idea that the office one holds aggravates a sin, thereby making it more heinous. Cf. *Westminster Annotations*, Lev. 4:11.

¹¹⁹ Cf. *WLC* Q. 151, FN "u" Rom. 2:17-25, where the citations used support the idea that a leader's influence, as "guides to others" aggravates a sin, thereby making it more heinous. Verse 22 speaks of the "leader" or "ruler" and is derived from the Hebrew רֹאשׁ and is translated into Greek by the LXX as ὁ ἄρχων.

¹²⁰ *Westminster Annotations*, Lev. 4:4. They referenced Ex. 29:10.

¹²¹ *Ibid.*, Lev. 4:5. They referenced Heb. 10:19-20.

¹²² *Ibid.*, Lev. 4:6.

Diverse Duties

The Ceremonial Law's reservoir of manifold truths becomes the fountainhead of manifold moral duties as William Perkins' exposition of Jude 23 demonstrated.¹²³ As a biblical doctrine, truths demand a response. Deuteronomy 29:29 states, "The secret things belong to the LORD our God, but the things that are revealed belong to us and to our children forever."¹²⁴ This part of the text teaches that although some secret things belong to God and are not revealed, the truths he has revealed are for us and our children forever; but the verse does not stop there. It continues and provides the purpose for which those truths are revealed: "that we may do all the words of this law."¹²⁵ The truths revealed become the catalyst of obedience. Westminster said of this verse that the revealed things "[a]re of many sorts, but those here chiefly meant, are the Rules of duty to God and man, revealed not for contemplation, but for practice."¹²⁶

Accordingly, John McDowell stated, "Revealed religion is not merely a system of truths to be believed; but it is also a system of duties to be performed. And the belief of the one, and the practice of the other, are inseparably united together in true religion."¹²⁷ Therefore, there is an inseparable connection between truths and duties, and yet, as Ames noted, "these two things are distinguished; to wit, to know and to do."¹²⁸

Although distinguishable and inseparably related, there is a logical order and flow between knowledge and duty. The mind is activated before the will and therefore, understanding precedes action. The *Confession* replicates this order in paragraph 19.3 by referring first to the typological truths and then the moral duties.

¹²³ CF. thesis chapter six.

¹²⁴ Deut. 29:29, *ESV*.

¹²⁵ *Ibid*.

¹²⁶ *Westminster Annotations*, Deut. 29:29 "revealed things."

¹²⁷ McDowell, *Theology in a Series of Sermons in the Order of the Westminster Shorter Catechism*, 2:64. "The second rule is, that wheresoeuer there is a generall equitie of a thing, there is a general practise to be had, howsoeuer we see it set down but in particular." Richard Greenham, *The Workes of the Reuerend and Faithfull Seruant Af Iesus Christ M. Richard Greenham, Minister and Preacher of the Word of God Collected into One Volume: Reuised, Corrected, and Published, for the Further Building of All Such as Loue the Truth, and Desire to Know the Power of Godlinesse* (London: Thomas Snodham and Thomas Creede for William Welby, and are to be solde at his shop in Paules Church-yard, at the signe of the Swanne, 1612), 11.

¹²⁸ Ames, *Substance of the Christian Religion*, 52. Similarly Calvin stated "the power of performance is a very different thing from understanding." Calvin, *Harmony*, vol. 2, 413.

Truths	“partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits;”
Duties	“and partly, holding forth divers instructions of moral duties.”

There is therefore an if/then relationship between truths and duties – if this truth, then this duty.¹²⁹ Because typological truths predominantly concern the gospel, they require the correlating moral (i.e. perpetual) duties of repentance and faith at the very least.¹³⁰ The position of Westminster seems to imply that if Christ is both God and man come to make atonement by shedding his blood, then every guilty sinner is obligated to believe in him as that all sufficient Savior and rest in his atoning work.¹³¹ If sin is a polluting evil contrary to the holy nature of God, then every image bearer is obligated to abhor and abstain from sin.¹³² If holiness is a reflection of God’s character and pleasing unto him, then everyone is obligated to pursue holiness and conduct their life accordingly.¹³³

These moral/perpetual duties are general, but as one examines particular aspects of ceremonial ordinances, particular moral duties emerge. Assembly member John Maynard’s treatment of the Passover provides a rich example. Maynard began his exposition by first describing the actual ritual.¹³⁴ He then declared that Christ was the intended antitype because he

¹²⁹ Compare how Gouge and John Trapp both derived moral duties from the truths set forth in the typology of the Sabbath’s rest in Hebrews 4:7. Gouge, *Hebrews*, 4:11, Sect. 66, p. 442. John Trapp, *A Commentary Or Exposition upon All the Books of the New Testament Wherein the Text Is Explained, Some Controversies Are Discussed, Divers Common Places Are Handled, and Many Remarkable Matters Hinted, That Had by Former Interpreters Been Pretermitted : Besides, Divers Other Texts of Scripture, Which Occasionally Occur, Are Fully Opened, and the Whole so Intermixed with Pertinent Histories, as Will Yield Both Pleasure and Profit to the Judicious Reader : With a Decad [Sic] of Common Places upon These Ten Heads, Abstinence, Admonition, Alms, Ambition, Angels, Anger, Apostasie, Arrogance, Arts, Atheism* (London: Printed by R.W. and are to be sold by Nath. Ekins at the Gun in Pauls Church-yard, 1656), annotation on Heb. 4:7, p. 870.

¹³⁰ The verbs μετανοεῖτε translated “repent” and πιστεύετε translated “believe” are imperatives demanding action (Cf. Mk. 1:15). The *Westminster Annotations* state that “Faith and repentance are the sum of the Gospel.” *Westminster Annotations*, Mark 1:15.

¹³¹ Mk. 16:16; Jo. 3:18.

¹³² Deut. 14:2; 2 Cor. 6:17; 1 Thes. 4:7.

¹³³ Lev. 11:44, 20:7; 1 Pe. 1:15-16. The same idea undergirds Ussher’s defense of the gospel as the rule of faith and also a rule of obedience. His first statement of defense is that “[a]s the Law requireth Obedience, (Jam. 2.8) so the Gospel directeth the Faithful how to perform it.” He provided three qualifying statements that demonstrated the difference between the Law and gospel with the first as “[t]he Law propounding God to be worshipped of us in himself, as our Creator; the Gospel in Christ, as our Savior, John. 5.23 & 14.1.” In Ussher’s example, the theological and evangelical truths and duties combine to provide the full-orbed understanding of the moral obligations resting on every human being. Ussher, *Body of Divinity*, 181.

¹³⁴ Maynard (Mainard, 1600-1665), *LGR*, 93-94.

was the spotless lamb sacrificed to forgive sins.¹³⁵ Next, he gave nine exhortations concerning moral duties drawn from this one ceremonial ordinance.¹³⁶ His exposition reveals there are negative sins to avoid but also positive duties in which one must engage, thereby employing and exemplifying the Assembly's rule of opposites.¹³⁷ Consequently, Maynard's list included moral duties such as justifying faith, thanksgiving, sanctification by self-denial, intentional walking in truth and sincerity, and the need to engage in the means of grace.

Assembly member John Jackson saw in the morning and evening sacrifice of incense the typological truth that prayer is an element of worship.¹³⁸ The moral duty he drew from this typological truth is that believers ought to,

Be much in God's worship, that you may be more and more acquainted with God. It is a sweet thing and it ought to be our delight, to live with or near to a good God, as they do that walk humbly with God, in the sincere performance of the duties of his worship. And let me tell you that you will be inexcusable to God if you do not worship him by prayer at least twice every day, as morning and evening, because you have nothing ordinarily to hinder you from it...If you do not worship God morning and evening, for some small continuance of time by prayer, confession, and thanksgiving, God's glory requires it, your soul has need of it.

Jackson perceived in the twice daily offering a moral duty to worship God by prayer no less than twice daily. If this one duty is extracted from such a simple ordinance, one wonders, what else lies within it and the system as a whole. This investigation concludes that these diverse moral

¹³⁵ Ibid., 94-96. This observation comports with Van Dixhoorn's description of "worship" as discussed in the Introduction. Van Dixhoorn, *CFRG*, 244.

¹³⁶ 1. He reminded them of the necessity to "imbrace Christ the Lamb of God, and feed upon him by the lively actings and exercising of faith unfeigned." 2. "Admire with all Thankfulness the infinite goodness of God, who before the foundation of the world, provided such a precious remedy for poor sinners, even a Lamb without blemish and without spot, separated from the rest of the flock..." 3. "let all that will be saved by him, labour to be more conformed to him in holiness, purging themselves from all filthiness of flesh and spirit." 4. Believers are to "Labour with all diligence for faith unfeigned" by applying Christ's mediatorial work that we "may escape the destroying curse of the Law, and wrath of God." 5. "endeavor every day to keep this feast unto the Lord, by feeding upon this living bread, upon the body and blood of Christ, in lively actings of faith upon him; and more especially in the use of his ordinances, his word, and the holy Supper." 6. "let Christians labour to purge out more and more the old leaven of sin and corruption, and to walk in sincerity and truth all the days of their life." 7. In connection with the girded loins, he commanded them to be watchful and, "They that would have communion with him need to call in, and gather up their stragglings thoughts, their wandring minds, their loose affections, to unite the powers of their souls, to fix them upon Christ, and the things of Christ, that they may be always ready for any way or work of Christ." 8. Believers are to afflict their souls and "feed upon Christ by faith with self-denial." They are to do so in "Godly sorrow for sin, holy anger and indignation against themselves...looking upon him whom they have pierced by their sins." 9. Let us labour then to have part in the first resurrection." This appeal was taken from the ritual of the first-fruits "presently after" the Passover. Maynard, *LGR*, 93-101.

¹³⁷ *WLC* Q. 99, rule 4.

¹³⁸ Ex. 30:7-8.

duties flowing from Ceremonial Law's typology are reducible to the three sub-categories of *Equity, Evangelical, and Extended*.

Moral Duties: General Equity

Having already addressed general equity and ritual ordinances above, a few additional comments will suffice as it pertains specifically to moral duties. First, this subcategory exists in every ceremonial ordinance.¹³⁹ As a constituting moral principle for the case law, its foundational essence is exigent for the corporeal ordinance and must always be sought after, even if only acknowledged on a presuppositional level by the exegete. The instructions of moral truths and duties derived from Natural Law are separate from the evangelical duties connected to the case law's typology.

Leviticus chapter one's directives concerning the whole burnt offering is a means of illustrating the various subcategories of moral duties. Westminster's *Annotations* on Leviticus one first observed how the beasts prescribed for the sacrifice were a great use to a person for "sustenance and maintenance, both for food and raiment," their act of offering the animal in sacrifice professed their "dependence upon God" and their "preferring of Gods glory" above their own.¹⁴⁰ These truths and duties are exhibited in the "act of offering," yet, both dependence upon God and preferring his glory above one's own are not evangelical truths but instead find their roots in Natural Law.¹⁴¹

Similarly, under verse three, Westminster took note of the distinction with this sacrifice as a whole burnt offering. This distinction "signified that a man was wholly to give up himself to God, both body and soul, with all the parts of the one, and faculties of the other."¹⁴² Not only did this sacrifice entail the whole of the individual, body and soul, as consecrated to God, it also

¹³⁹ The only commentator on the *Westminster Confession* this author found remotely referencing general equity with ceremonial ordinances is J.V. Fesko, and even then, his reference is questionable due to context. Fesko stated that although the Ceremonial and Judicial Law had "expired with the advent of Christ and the dissolution of Old Testament Israel, they still serve the church, whether as reminders of fulfilled christological types or as examples of scripturally embedded natural laws situated for Israel's tenure in the land but still applicable in the present day and binding upon Christians and non-Christians alike." By speaking of both corpora of law together, it contextually appears he intends to associate the typology with the Ceremonial, and Natural Law's general equity with the Judicial. If so, even Fesko has not directly associated general equity with the ceremonial ordinances. Fesko, *Westminster Standards*, 296-97.

¹⁴⁰ *Westminster Annotations*, Lev. 1:2, "Cattel of the herd, and of the flock."

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*, Lev. 1:3, "burnt offering."

mandates “both” in respect “of propriety to God, and integrity to man.” This one statement reminds their reader of Westminster’s system of Moral Law as reduced to the two great commandments of love for God and love for one’s neighbor. In addition to these two, are the more general principle that since God exists, he is to be worshipped. Going deeper in the realm of general equity, one could logically deduce that God alone determines how he is to be worshipped and that time must be set aside for that worship. The point emphasized is that each of these moral directives existed prior to Adam’s Fall. These perpetual duties, some of a Moral-natural, and some of a Moral-positive nature, especially concern the First Table of the Law and humanity’s relationship with God. As moral/perpetual, these duties transcend Israel’s Old Testament condition and apply to all ages even though the case laws, as a ceremonial system of ordinances were wholly abolished.

Moral Duties: Evangelical

At this point, the principles or truths extracted from Leviticus one have not breached the bounds of general equity and into the realm of evangelical truths. The ritual’s typology goes beyond what general equity and the light of reason can reveal and opens a flood gate of evangelical truths. Therefore, unlike the Judicial Law, every ceremonial precept requires the additional locus of evangelical truths due to their inherent typology.¹⁴³ Consequently, Westminster required from them an additional locus of corresponding *evangelical duties*.

Returning to Leviticus chapter one, the *Annotations* acknowledged their first typological connection in verse three where the sacrificial animal must be “a male without blemish.”¹⁴⁴ They affirm this circumstance of the ordinance as a “Type” and refer the reader to their annotations on Exodus 12:5 where the “Lamb” without blemish is “a type of Christ, who was

¹⁴³ Ussher does not perceive the evangelical duties as added but instead as laws “in substance of Action” that “only reneweth and enforceth those of the Law, (1 John 2.7, 8) and specifieth some Duties, as Faith in the Messiah, of the Sacraments, &c. which have their general ground from the Law.” He explains that these duties “do concern things indifferent” yet as “propounded in form of Counsel...they are not therefore arbitrary Courses (Rev. 3.18) of higher perfection, much less meritorious of greater Glory: But as they are applied with due Circumstances, necessary Precepts, referred to some one or other Commandment of the Law; the rejecting wherof excludeth from the Kingdom of God, Mat. 19.23).” What Ussher has termed “indifferent,” the Assembly was also accustomed to refer to as Moral-positive. When indifferent actions become divinely mandated, they are no longer indifferent but obligatory, as with faith in Christ and the Sacraments. Ussher, *Body of Divinity*, 181.

¹⁴⁴ *Westminster Annotations*, Lev. 1:3. When explaining the phrase “at the door of the Tabernacle,” Westminster also acknowledged the Tabernacle as a type of Christ and his exigent and exclusive Mediatorial role between God and humanity. The duty deduced (though not stated by Westminster) is that all must offer worship unto God in and through Christ alone. *Ibid*.

without spot or blemish of sin, 1 Pet. 2.19 Heb. 9.14.”¹⁴⁵ Once the typology in Leviticus 1:3 was acknowledged, they immediately described the intended moral duty as “that God the Creator is worthy to be served with the best of his creatures.”¹⁴⁶ This stated duty has a foot in both general equity and evangelical duties. As a part of Natural Law, God has always demanded and deserved the best from humanity but as connected to an atoning sacrifice, it also stands in the evangelical realm.

Following the trail of annotations, the reader is referred to Malachi 1:8.¹⁴⁷ In this text, God rebukes his people for violating the command to offer the best sacrificial animal and instead offered their lame and defective animals. Westminster stated how God rejected their offerings and sacrifices as a “grievous sin” which did “pollute Gods holy ordinance, and worship.”¹⁴⁸ Israel’s sin was a “gross hypocrisie,” that slighted “the service and worship of God, as a thing not much to be regarded.” By doing so, they in turn, “perform the worship of God, without regard to the Majesty of God, v. 14. Or the Holiness of his worship.”¹⁴⁹ Along with the people, the priests also sinned by receiving and performing the ritual with such improper animals. The entire affair was a witness to the condition of the peoples’ hearts who engaged in the worship of God “without any heed to the true end and use of the sacrifice, and the spirituall service therein without any life or motion of the inner-man.”¹⁵⁰ Yet, for the Priests, it indicated “they had clean cast off all manner of Piety.”¹⁵¹ The result is a litany of sins to avoid and evangelical duties in which one is to engage.

Under verse four, the command for the worshipper to lay his hands upon the head of the sacrificial animal provides more evangelical duties. Westminster referred the reader to Exodus 29:10, where the same ritual was required of Aaron and his sons undergoing consecration to the priestly office. The annotation states that whether for the priests or the common people, the

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Annotation under Lev. 1:3 refer to Num. 28:31 which directs the reader to Malachi 1:8, 14. The nature of annotations is brevity. Consequently, the intricate reference system allows for the doctrine or concept to be stated in one place but referred to time and again as needed. One sees that along the chain of references, the concept is enlarged as the Scripture’s textual data allows for and progressively develops it.

¹⁴⁸ Ibid., Mal. 1:8.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

ritual act typifies a transference of guilt from the sinner/worshipper unto the sacrificial animal.¹⁵² Accordingly, the typology set forth is purely evangelical and signifies the imputation of sin's guilt from the sinner unto Christ who, like the "beast to be offered had no inherent guilt in him, but an imputed guilt laid upon him...Isa. 53. 4, 6."¹⁵³ With this action, there was "at least an implicate acknowledgment of the desert of death in themselves, though it were turned upon the beast."¹⁵⁴

In a direct statement in verse five, the *Annotations* connect the instructions of the ritual with the moral evangelical duties. The command to kill the animal and sprinkle its blood about the Altar typified Christ and his shed blood on the offerer's behalf.¹⁵⁵ Reciprocally, it also signified the offerer's "acknowledgment of his guilt of the blood of Christ" who, like the animal, died in his or her stead. The direct connection comes by the concluding statement that all of this "was an instruction unto him, to mortifie all his carnal lusts and affections, as Gal. 3:24."¹⁵⁶

The typology extends to verse seven, where the fire upon the Altar typifies,

the zeale of the Evangelicall Sacrifice, Jesus Christ; whose zeale for his Fathers glory, did eate him up, Joh. 2. 17. and gave him up for his brethrens safetie, to death, upon the Altar of the Crosse, which is as violent and painfull [a] death, as by burning with fire.¹⁵⁷

The *Annotations* provided no accompanying moral duty at this place with this particular evangelical truth. This omission may be founded on the brevity of annotations or that the truth extracted highlighted Christ's character. It would also have been redundant to state again that this is the same zeal in which the believer is to carry out all his or her duties before God as image bearers. Regardless, they did highlight a moral duty with the ritual's water and washing referred to in verses nine and thirteen.¹⁵⁸ Not only did washing signify "the cleanness and puritie that

¹⁵² Ibid., Ex. 29:10. "put their hands upon the head."

¹⁵³ Ibid.

¹⁵⁴ Ibid. The same is stated again under Lev. 1:5. Ibid., Ex. 29:10. "put their hands upon the head."

¹⁵⁵ Ibid., Lev. 1:5, "He shall kill."

¹⁵⁶ Ibid.

¹⁵⁷ Ibid., Lev. 1:7, "fire."

¹⁵⁸ Westminster did provide the following moral duty in Lev. 6:9 with reference to the whole burnt offering and the fire that burned all night: "The Priest was to burn it with a slow fire, and by so many pieces one after another, that it might last all night, which required his intente vigilancie upon the service, and admonished withall, that God was not to be honoured by day, and dishonoured by works of darknesse in the night, but that men should set their waking thoughts towards him upon their beds, who watcheth over them all the night, Psal. 4. 4." Ibid. Lev. 6:9,

was in Christs Sacrifice,” it also set forth “that which should be, Heb. 10. 22. in our services to God.”¹⁵⁹ Further down in verse thirteen, where the legs and entrails are washed with water, the Assembly stated, “The inward affections are to be cleansed from sin, and so are the outward actions noted by the legges wherewith men walke in their open conversation. See Ezek. 36. 25. Joh. 13. 5. 10.”

Concluding their annotations on the holocaust sacrifice, they gave emphasis to the birds allowed as sufficient for sacrifice by the poor who could not afford the more expensive sacrificial animals. The Assembly drew upon the command that these sacrificial animals were not to be divided signifying the evangelical truths and duties pertaining to singleness of devotion to God by guarding against schisms, and also against distractions by secular cares, and divided affections.¹⁶⁰ Together, the spiritual moral duties of zeal and purity required of the whole individual in worship are brought together by the truths set forth in the typology of this sacrifice.

The example from Leviticus chapter one demonstrates that with the Ceremonial Law, the required typological essence is added to the assumed general equity. Because of this additional component, each of these precepts possesses a multifaceted system of moral instruction. The moral duties derived from the typology are not subjectively derived from the imagination of the interpreter. Westminster’s annotations demonstrated that their antitypes of truths and duties are drawn from Scripture. The quotations used prove how rigid they were to stay within Scriptural bounds by their constant referencing the texts from which their conclusions were derived.¹⁶¹

Moral Duties: Expansion

The third sub-category of moral duties drawn from Ceremonial Law pertains to those resulting in *expansion*. There are some moral duties within ceremonial ordinances which cannot be solely relegated to the categories of general equity or evangelical but exist in and transcend both. As already noted, there are some moral duties such as faith that existed prior to Adam’s

¹⁵⁹ Ibid., Lev. 1:9, “wash in water.”

¹⁶⁰ “the Turtle or Dove is noted, as most representing the condition of such) observe that such should not be divided by Schismes or Factions, or distracted by secular cares. See Annot. on Gen. 15. 10. But especially in their devotions, (which are spirituall sacrifices) their intentions and affections should be wholly fixed upon that holy object, to which of dutie they are to be directed.” *Westminster Annotations*, Lev. 1:17 “not divide it asunder.”

¹⁶¹ Even though leaving the proof-texts within the quotations makes them a bit harder to read, this author retained them as a demonstration of the objective nature of the truths and duties stated by the Assembly.

Fall. Yet, once he fell, the need for *justifying* faith appeared.¹⁶² Adam, as an image bearer, trusted in and depended on God as Creator before his Fall. Yet, after the Fall, the evangelical element that embraces Jesus Christ as Savior in a justifying manner is now added to the former trust/dependence on God as Creator.¹⁶³

Regardless of whether one believes justifying faith was inherent in Adam but not actuated until needed post-Fall, or that it was a newly added dimension granted to Adam, the result is the same from humanity's perspective. Prior to the Fall, justifying faith was not needed, and as connected to salvation, it is entirely evangelical and not a moral duty required of Adam in innocence. Yet, in that faith in God as Creator must precede faith in him as Redeemer (Heb. 11:6), there is, at a bare minimum, a blending, and thereby an expanding, of the realm of faith as a moral duty.¹⁶⁴

At the heart of this issue is the mediation of Christ. The relationship between God and humanity is ruptured by Adam's sin but restored in and through Christ alone. Jesus is now the only "way" anyone, since the Fall, can approach the Father (Jo. 14:6). This new dimension within the relationship has bearing not just on faith but on other relational concepts/realities such as love and communion. Those who hate the Son, also hate the Father; therefore, those who desire to love the Father, must love the Son (Jo. 14:21, 16:27). Those who desire to commune

¹⁶² For a fuller discussion, see the section entitled "Evangelical Laws" in thesis chapter four.

¹⁶³ Westminster argued for a distinction within the realm of faith from James 2:19, "Hereby it is evident that S. James in this discourse doth not onely speak of a bare profession of faith, or a shew and shadow of faith, but of some kind which is true in its kind, though not justifying or saving; this is generally called an historical or dogmatical faith, and is nothing else but an assent unto the word of God as true in general." Although such a general faith is "well" or good (Ja. 2:19), the *Annotations* say, "Yet [they are] not sufficient, and the reason hereof is taken from the faith of devils, whose faith is not sufficient to salvation, though they believe those truths which are contained in the Word of God. In this argument, justifying faith, as an evangelical duty, is not present. Instead, all that is affirmed in both the minor and major premises is that God exists and what he has said is true. How much more then, arguing from the lesser to the greater must one believe God exists (natural) if they are to believe he can save them and desires to do so (evangelical)? The *Annotations* make this distinction in Hebrews 11:3-6. Within the chapter that highlights the faith and obedience of Old Testament saints, they spoke in verse three of a faith or understanding "That is, according to all the particular circumstances of the creation, though something thereof may be known by the light of reason, 2 Pet. 3.5. Rom. 1.20." They distinguished this belief, naturally engrafted in the human heart at Creation, from justifying/saving faith, which they referred to in verse 6, as originating by grace. Even though distinguishable, both the creational and redemptive truths and duties are typified in the Ceremonial Law. Therefore, its scope is not solely evangelical/Christological. *Westminster Annotations*, James, 2:19, Hebrews 11:3-6.

¹⁶⁴ Heb. 11:6 "And without faith it is impossible to please him, for whoever would draw near to God must believe that he exists and that he rewards those who seek him."

with the Father must do so through the Son (Jo. 14:13-14, 15:7, 16, 16:23-24).¹⁶⁵ As with corresponding evangelical truths and those in general equity, this dynamic impacts these relational moral duties which did not originate as a result of Christ's atonement but existed prior to it, yet are expanded by Christ's atonement and intercession. Having now discussed this third sub-category of moral duties, if one rereads the first two sub-categories of equity and evangelical above, this sub-category's influence can be perceived in each because it has roots in each, though transcending both.

¹⁶⁵ *WCF* 21.2, 6.2-3, 7.1, 8.1; *WLC* Q. 27, 36, 181; *WSC* Q. 19. Cf. *Westminster Annotations* on the list of verses.

Chapter 10: Conclusion

Within the many valuable commentaries on the *Westminster Confession of Faith*, the phrase “and partly holding forth divers instructions of moral duties” describing the Ceremonial Law is never adequately explained.¹ The phrase demands elucidation because of the tension it creates in the paragraph. Immediately following the phrase, the *Confession* unapologetically declares that all of these ceremonial laws are now abrogated under the New Testament.² The tension arises from the word “moral” because contextually, the paragraph and the chapter as a whole employed the word moral with the historic, lexical meaning of perpetual or perpetuity.³ The meaning implied is that the instructions drawn from the ceremonial ordinances are perpetual even though the ordinances are abrogated. Any notion of a perpetual directive or instruction derived from an annulled precept demands clarification. The difficult phrase is nestled in the center of chapter 19 which foundationally rests upon a systematics of biblical law and a corresponding hermeneutic. Without delving into these two areas of Westminster’s thinking, neither the expositor nor the average inquisitor will ever fully understand the phrase’s authorial intent or how the Assembly harmonized the two statements.

Westminster’s Systematics of Biblical Law

Chapter nineteen of the *Confession* is Westminster’s condensed reflection of their extensive legal systematics. The entire chapter is designed to demonstrate Moral Law’s preeminence as a legal corpus. Paragraphs three and four introduce the Ceremonial and Judicial Law into that demonstration by means of five parallel statements distinguishing the two legal corpora. These integral parallels, in addition to the original proof-texts annexed to them, systematically distinguish the two legal categories while also providing insight into a corresponding hermeneutic for each. The following are summaries of some crucial components

¹ WCF 19.3.

² Cf. thesis chapter 7.

³ WCF 19.3. Cf. thesis chapter 4.

within Westminster's legal systematics that when viewed accumulatively provide the theological background needed for answering the thesis question.

Tripartite Division of Law

Westminster was committed to the historic tripartite division of biblical law. Within that tradition, the law was divided into Moral, Judicial, and Ceremonial.⁴ Moral Law was distinguished by the precepts perpetuity and thus, moral was understood as synonymous with perpetual. The judicial statutes regulated Israel as a commonwealth and therefore governed the nation by directing relationships among themselves and their neighbors. The ceremonial or ritual ordinances were distinguished by their typological essence. As observed, because each legal corpus demanded a corresponding and congruent hermeneutic, it was paramount to first correctly classify a precept, especially mixed precepts, when interpreting them.⁵

Moral Law Defined by Perpetuity

Moral Law is supreme among the tripartite division of law. As God's declaration of his will to mankind, it is the perpetual standard of holiness and righteousness everyone is obligated to obey. Although the concept of universality is associated with Moral Law, its classifying quality for seventeenth century theologians was perpetuity.⁶ Thus for a law to be classified as moral it must be perpetual.

Moral Law's Two Sub-categories: Moral-natural and Moral-positive

Moral Law was commonly divided into the two sub-categories of Moral-natural or Moral-positive.⁷ Depending on the theologian, Moral-natural precepts originated from either the nature of God or from Natural Law. Those rooting Moral-natural precepts in God's nature believed them to be so immutable that even God could not change these laws because by doing so, he would deny his own nature. Those connecting it with Natural Law saw them as immutable but associated more closely with the nature of things in relation to God's design for creation. This later view created a degree of flexibility because God, as Creator, could change those associated solely with the created order but not those intrinsically drawn from his nature.

⁴ Cf. the third parallel, thesis chapter three.

⁵ Cf. thesis chapters four & five (Moral), eight (Judicial), and nine (Ceremonial).

⁶ Cf. thesis chapter four.

⁷ Ibid.

Therefore, depending on the view, the immutability associated with these laws was derived from either God's nature or the natural order of creation.

Any positive law, divine or human, is characterized by mutability. Human laws were always considered positive due to their mutable nature and alterable only by the proper authority or office under which they were derived. In contrast, divine Moral-positive laws are contingent on the will of God, who alone could change them. Thus, they stood in obligatory force unless or until God altered them and are immutable for humanity.

Moral Law revealed: Natural Law, Decalogue, and Scripture

For the Assembly, Moral Law was divinely revealed in three ways: Natural Law, the Decalogue, and throughout Scripture.⁸ In Natural Law, God wrote his moral standard on the heart of humanity and it served as part of humanity's image bearing character. Natural Law was a composite of principles and conclusions revealed to direct and govern every person in every circumstance. As a result of Adam's sin, this law was distorted by the corrupting impact sin had on the faculties of all humanity. Although still present and working in conjunction with the conscience, God's Moral Law is not fully known, understood, or obeyed. Nonetheless, there is enough of that light left within humanity to leave all guilty and without excuse before God. Under Moses, God again revealed the Moral Law at Mount Sinai and delivered it to the Jews by writing it with his own finger on tables of stone. These Ten Commandments, or Decalogue, were considered a summary of Moral Law and a republishing of Natural Law. Of the three modes of revelation, the Scriptures were upheld as the fullest and most complete revelation of Moral Law.

Moral Law as the Perpetual Rule of Obedience

Moral Law's binding force was maintained throughout Westminster's covenantal paradigm. By defining a covenant as a law with a promise added to it, the Moral Law preceded any covenantal arrangement and was not conditional to, or dependent on, any covenant as a perpetual rule of obedience.⁹ Under the Covenant of Works, it was the rule of life written upon humanity's heart at creation and the unstated part of Adam's required obedience to which the command concerning the Tree was annexed. Within the Covenant of Grace, it holds some

⁸ Cf. thesis chapter three.

⁹ Cf. thesis chapter five.

differing functions for the regenerate and unregenerate while maintaining its perpetual purpose as a rule of obedience for both. It serves to drive the unregenerate to Christ by condemning them of their sin and demonstrating a need for forgiveness and salvation. For the regenerate, it becomes the path of sanctification and renewed image bearing distorted by Adam.

Salvation does not remove the perpetual obligation to Moral Law as a rule of obedience. God's law is his revealed will which the regenerate willfully and joyfully live by in response to the salvation received by faith in Christ apart from works of the law. The law still binds as a rule of obedience even though its curse of eternal death is forever removed for the believer in Christ. As an obligatory rule of life, violations of it by the believer may lead to the loving, temporal chastisements of God in this life which, are vastly different from the horrid curse of eternal damnation the unregenerate receive at death.¹⁰ Divine discipline of the regenerate is not eternal damnation but temporal correction. The former is devoid of God's love while the latter is devoid of God's wrath. The former is an expression of everlasting divine vengeance and retribution against an unrepentant rebel, the latter, an expression of God's immutable love and grace towards a wayward child with whom he seeks fellowship and communion.

Moral Law as Foundational for All Other Laws

Because Moral Law is the rule of obedience standing as the perpetual, objective standard of holiness and righteousness, it is the foundation upon which all case laws are constructed.¹¹ Whether the moral foundation is derived from Natural Law, the Decalogue or Scripture, its equity is applied to a circumstantial need by creating a case law expressing the needed equity or justice for that circumstance. By this relationship, the written case law, whether human or divine, becomes a circumstantial expression of the Moral Law. Consequently, any case law contradicting or violating Moral Law was deemed invalid and considered no law at all, and possessing no binding force.

The foundation/expression relationship between moral equity and a case law created a dynamic of expansion and contraction within biblical law.¹² Just as Moral Law's principles of equity were expanded to address particular circumstances and become more refined, detailed

¹⁰ Ibid.

¹¹ Cf. thesis chapter eight.

¹² Cf. thesis chapter three.

applications of those general principles, so too, one could reduce a case law back to its constituting principle of equity. In this sense, the Decalogue was considered not only a restatement of Natural Law but a summary of Moral Law. The divine case laws given to Israel known as the Judicial and Ceremonial Law (aka *Mosaicals* when referenced together) were considered expansions or expressions of the Decalogue's two tables. The First Table was primarily expressed by the Ceremonial Law and instructed the Jews concerning their relationship with God by prescribing their worship. The Second Table was primarily expressed by the Judicial Law and regulated the Jews relationships with each other as a commonwealth. By this expansion the Two Tables, as a summary of Moral Law, were expressed by the 600 plus case laws given to Israel. Likewise, any one of those case laws could be traced back to one or more of the Ten Commandments and from there to one of the two tables. Every valid law, including the Ten Commandments, was reducible to the supreme moral principle of love. Therefore, love was the irreducible principle undergirding every valid standard of justice whether human or divine, whether a general principle or a case law expression.

Mosaicals' Common Aspects

Every Mosaical statute was constructed of no less than two essential elements: general equity and a case law form. General equity was considered the intent or *spirit of the law* while the case law was its written form or *letter of the law*.¹³ Understanding that a single precept could never address every possible circumstance or scenario, the most critical part of the statute was not the written case law but its underlying moral principle. In some circumstances, the actual case law created an injustice if enforced to the letter. The creation of Courts of Equity testifies to the common reality of this phenomenon in jurisprudence. The court's goal was to distinguish the written case law from its underlying moral principle and reapply that principle to the unique situation in an equitable manner. This underlying moral principle was referred to by such terms as general equity, common equity, or natural equity. These two components – general equity and a case law form – are the essential elements for every statute.

Mosaical Case Laws Entirely Abrogated

The Assembly's systematics affirmed the entire abrogation of the Judicial and Ceremonial Law concerning their case laws. They took great pains to describe the difference in

¹³ Cf. thesis chapter eight.

the way each legal corpus was annulled. By describing the Judicial Law as having “expired” and the Ceremonial Law as “abrogated” both legal corpora were denoted as having no binding force as it pertains to their case laws as given to Israel.¹⁴ Thus, the Assembly affirmed a discontinuity as to the case laws or *circumstantials* of the Mosaicals.

Mosaicals’ General Equity

Although Westminster maintained the abolition of the Mosaical case laws, they also maintained the perpetuity of the underlying moral principle upon which each case law was constructed. Their confessional references to the general equity of the Judicial Law and the instructions of moral duties in the Ceremonial intend no less. The underlying moral principle was commonly called the general equity or the *substantial* while the cultural circumstance, which the case law was created to regulate was referred to as the *circumstantial*.

The *Confession* highlights the general equity within the Judicial Law as a primary focus of its nature and an integral part of Westminster’s legal systematics. Even though the case laws were not perpetual, the varying degree of general equity within each precept was. The general equity in some judicial precepts was so small that it was almost beyond recognition and so large in others that the case law can be transferred from one society to another without any alteration. This dynamic caused some confusion with classifying Judicial Laws and deciding in some cases what is abrogated and what remains. Nevertheless, it was deemed that, as case laws given through Moses to Israel, they were wholly abrogated yet every degree of general equity must be retained. Although the *Confession* does not speak of general equity with the Ceremonial Law, Assembly members no less ascribed it to its case laws as a requisite component.

Ceremonial Law’s Requisite Typology

In addition to general equity and the case law form, there was a third element requisite for every ceremonial law. Typology was not only necessary it was the distinguishing characteristic essential for categorizing any law as ceremonial. Therefore, every ceremonial law possessed *general equity*, a *case law* form, and *typology*. All three were sifted as they sought to distinguish between the substantials and circumstantials within each ceremonial ordinance.

¹⁴ WCF 19.3, 4. Cf. thesis chapter seven.

Contrary to Antinomianism, Westminster perceived these new Moral-positive truths and duties as no less perpetual and obligatory than the Moral Law engrafted on humanity's heart at creation.¹⁵ This group of evangelical duties was added as a consequence of sin and serve for the salvation, sanctification, and regained joy and freedom in the believer's life. For believers to live as originally designed, the accumulated directives drawn from Natural Law, the Decalogue, Scripture, and the evangelical laws prefigured by ceremonial ordinances, all serve to instruct the believer in a life of reconciliation, peace, holiness, and joy. For Westminster, justification was by faith alone in Christ's finished work and not according to the believer's works of the law. In contrast, when it came to sanctification, the Moral Law, even those embedded within ceremonial ordinances, was integral to the believer's growth in grace.

Westminster's Hermeneutic of Ceremonial Law

Having reviewed the legal systematics among some of the influential members of the Assembly, the focus turns to their hermeneutics concerning the Ceremonial Law. It's beneficial to remember that the Westminster divines were ministers of the gospel first and foremost. Summoned from their congregations to participate in this great reformational work, their weekly vow testified to their commitment to provide a theological framework derived solely from and consonant with the Scriptures. Along with that truth, they sought to teach people how to interpret Scripture, and instructions of that nature are found in the *Confession's* first chapter and in their *Larger* and *Shorter Catechism*.¹⁶ Therefore, it's no surprise to find them distinguishing Ceremonial Law and at the same time alluding to a hermeneutic proper to it.¹⁷ The hermeneutic Westminster conveyed in the *Confession* through its five parallels is inseparable from their legal systematics and was more commonly understood and practiced then than today.

Apostolic Example

The hermeneutic held by these men was not novel. The Assembly sought to emulate New Testament examples for expositing ceremonial ordinances, especially the wealth of

¹⁵ Cf. thesis chapter nine.

¹⁶ *WCF* 1.6-10; *WLC* Q. 99.

¹⁷ According to Protestant tradition, this was also Calvin's stated goal when he arranged his *Harmony of the last four books of Moses*. "all have not sufficient intelligence to discern the tendency of what is elsewhere taught, or to reduce the different precepts to their proper class, there is nothing to prevent such assistance being afforded them, as, by setting before them the design of the holy Prophet, may enable them to profit more by his writings." Calvin, *Harmony*, vol. 2, xv.

type/antitype explanations in the book of Hebrews.¹⁸ The book's pervasive use of typological explanation is understandable seeing the letter was written to Jews professing faith in Christ, a people from the nation to whom the ordinances were originally given. Similarly, when instructing Gentile congregations, the Apostle Paul's epistles employed many ceremonial types. Although Paul regularly used all three legal categories to instruct and exhort, when it came to explaining the mystery of the gospel, he instinctively utilized the ceremonial ordinances.¹⁹ As New Testament examples, the Assembly viewed them as divinely inspired and therefore, faithful patterns to adhere to with every ceremonial ordinance.

Hermeneutical Exegesis not Homiletical Application

For Westminster's members, the process was *hermeneutical* and rooted in the exegetical endeavor and not a *homiletical* application tacked on to the end of a Christocentric sermon. As exegetical, it was foundational to the interpretational process requisite for the sermon. A homiletical application is subjectively driven by the speaker and the intended audience. In contrast, their hermeneutic of ceremonial ordinances is objective and anchored to the ordinance as a case law built on general equity and its inherent typology. The chasm between the two approaches is immense and must be pointed out and understood.

Ceremonial Law's General Equity

Insisting on a proper tripartite division of law and a wholesale commitment to the Mosaicals' abrogation clearly in mind, Westminster began from a position of discontinuity by viewing the ceremonial case laws as abrogated. Next, as observed by its members investigated, their aim was to distinguish between the three composite elements of the ceremonial ordinance: case law, general equity, and typology. Once the three composite elements were distinguished, they separated the substantials from the circumstantial related to the ordinance. The circumstantial included the case law form which was given to Israel through Moses and now

¹⁸ The book of Hebrews emphasized how important a firm grasp of the Old Testament ceremonial ordinances is for a proper understanding of Christ's person and work. The Apostles instructed and exhorted the New Testament Church by expositing Old Testament texts and thereby explaining the Messiah in light of the gospel message therein portrayed. It was an exposition of the Old Testament in light of Christ that nourished and sanctified the fledgling New Testament church. The Spirit's use and efficacy of this means of grace is attested to by the historical account of their faithfulness in the face of horrific persecutions.

¹⁹ For examples, see: Rom. 2:24-29, 12:1-2; 1 Cor. 3:16-17, 5:6-8; 6:19-20, 9:13-14; 2 Cor. 2:14-15, 6:16-18, 3:7-18; Gal. 5:9-10; Eph. 2:11-22, 5:2-5; Phil. 3:3, 4:18; Col. 2:11-23.

considered dead and deadly if reinstated.²⁰ The case law's abrogation did not deny valid analogical connections, yet an emphasis was placed on the carnal ordinances' entire abrogation. What remained were the substantials consisting of the general equity upon which the case law was constructed and the evangelical truths derived from its typology.

Once the general equity or underlying moral principle was discerned, it was easily linked to one or more of the Ten Commandments, primarily among those of the First Table. Believing love to be the foundation for all laws, the moral principle was reduced again to either love for God or love for one's neighbor. Whether the underlying moral principle was derived from Natural Law, the Decalogue, or Scripture was of no consequence. The importance was its moral nature as a perpetual rule of obedience.

Having reduced the case law expression to its underlying moral principle, Westminster then began to apply other rules of interpretation.²¹ Rules of synecdoche and opposites allowed the expositor to enlarge the boundaries of the law by seeing other areas directly connected to the moral duty either by relation or by contrast.²² By viewing the law as "spirituall," its binding force entailed not only a person's physical actions but directed their entire soul, including their intellect, will, and emotions.²³ Its scope transcended the individual, their social class, authority, or office. Each person was deemed their brother's keeper because as they kept the law, they should also strive, according to their spheres of authority and influence, to insure those around them also kept it.²⁴

Ceremonial Law's Typology

Having noted the directives associated with ceremonial ordinances as a case law built on general equity, it is now incumbent to summarize their approach to the ordinance's typology. Every law by its nature is instructional and directive. Accordingly, ceremonial ordinances as case laws were considered instructional and directive for the corporeal worship of Israel. Yet, as a distinct legal corpus, each ceremonial precept also possessed another level of instruction derived solely from its distinctive *typological essence*.

²⁰ Cf. thesis chapter seven and nine.

²¹ Cf. thesis chapter three.

²² *WLC Q.* 99.

²³ *Ibid.*

²⁴ *Ibid.*

Although typology was in some ways and in varying degrees associated with the Moral and Judicial Law, it was the defining element for the Ceremonial. This essential quality is the primary catalyst leading to the confessional phrase describing the Ceremonial Law as “partly, holding forth divers instructions of moral duties.”²⁵ Had the Assembly desired to refer only to Ceremonial Law’s general equity, its language would have reflected that of paragraph four concerning the Judicial Law. Instead, the unique phrase conveys a much broader category of moral directives than those assumed under general equity and is highlighted by the literary parallel. The phrase appears to pull double duty by alluding to Ceremonial Law’s enlarged realm of moral duties and the consonant hermeneutic it requires as a distinct legal genre.

As observed in the investigation, biblical typology was predicated upon God’s work of salvation. Therefore, it was primarily focused on Christ’s person and work. Even though the ceremonial case law directed Israel’s external worship, the typology embedded within it pointed to the promised Messiah. The case law’s typology pointed to perpetual evangelical truths not revealed at creation but resulting from Adam’s breach of the Covenant of Works and the newly instituted Covenant of Grace with its promise of redemption. Jesus Christ being the same yesterday, today, and forever, the truths they reveal about his two natures, three offices, and glorious work as the perfect sacrifice for sin are immutable and therefore, perpetual. Thus, biblical typology was divinely designed as a mode of prophetic instruction to *foretell* of Christ and *forthtell* the truths and duties connected with his mediatorial work. The content of that instruction pertains to both theological and evangelical truths and duties. Those truths and duties inseparably work together to provide a proper balance of knowing and doing God’s revealed will.

The nature of the ceremonial ordinance created a dynamic of curse and cure. As case laws, they were to be obeyed to the letter and any degree of violation resulted in condemnation as a breach of God’s law. In this sense, the Ceremonial Law was a heavy yoke upon Israel revealing sin and condemnation, however, the embedded typology proclaimed the cure for sin by pointing to Christ, the sin bearer, who alone could and would atone for sin. Because the hermeneutic viewed Ceremonial Law according to this dynamic, each ritual ordinances became a platform for proclaiming the gospel.

²⁵ WCF 19.3.

Ceremonial Law’s instructional matter flows from truths and duties rooted in the two supreme acts of God (creation and redemption) and the two natures of Christ (divine and human). Scripture’s creation-fall-redemption-consummation paradigm weaves these two great acts together by revealing that what was created good but destroyed by Adam’s Fall, is restored by Christ’s atoning work. The two special acts of God are as distinct as the Natural Law and the Evangelical Law respectively contingent upon them and yet; they are blended together in the will of God and the two natures of Christ requisite for salvation. With those perpetual truths came consequent perpetual duties. As a result, it is not surprising to find within Ceremonial Law instructional truths and duties peculiar to either Natural Law as given at creation or Evangelical Law predicated upon Christ’s person and work of redemption.

One can safely deduce that duties flowing from both general equity and evangelical typology are both intended by Westminster’s phrase “divers instructions of moral duties.” The truths become a clarion call to an obedient, faithful response to the duties they mandate. As Westminster’s members labored to exegetically extract the truths and duties from the ritual typology, dutiful obedience was paramount for them because only the one who, by faith, responds in obedience has truly attained the legal ritual’s purpose, not the one who simply knows its truths or engages in its carnal rituals.

What was observed is that even though the Ceremonial Law was given to the underage church, their intended moral truths and duties were not infantile. The *Westminster Annotations* manifest the accuracy of Andrew Bonar’s view of a ceremonial type which he believed not only served “the end of simplifying the truth, it may also open the mind to comprehend more, while it deepens present impressions of things known.”²⁶ For Bonar, “the existence of a type does not always argue that the thing typified is obscurely seen, or imperfectly known...The Lord may use them as he uses Gospel ordinances at present, to convey light to us, and leave more indelible impressions.”²⁷ This understanding of a ritual type’s value is what drove William Gouge 200 hundred years earlier to repeatedly exhort his congregation to study and meditate upon them. Any notion they serve no purpose for the New Testament church because they were abrogated or designed for the infantile condition of the Old Testament church runs contrary to these assembly

²⁶ Andrew A. Bonar, *A Commentary of the Book of Leviticus*, ULAN Press reprint (ULAN Press, n.d.), viii–ix.

²⁷ *Ibid.*

members and obscures from sight some of Scriptures' most glorious revelations of Christ and crucial instructions of moral duties requisite for a holy life.

As observed, although the curse is gone for those who truly believe in Christ, and as a result stand both under and in the Covenant of Grace, they are still bound by the Moral Law as a rule of obedience, even those flowing from the truths of ceremonial ordinances. Yet now, the believer seeks to keep it, not as a Covenant of Works, but with a grateful heart and clear conscience knowing that in Christ, the law's demands of perfect obedience are met, and its curse of death fully satisfied on their behalf. For the believer, this newfound freedom in Christ allows them to earnestly study God's law for the purpose of finding those instructions of moral duties reflecting God's holy character in order to walk accordingly, and thereby live as divine image bearers. This endeavor is not meritorious or justifying but a grateful response by those already forgiven and justified through faith in Christ alone. It is only in Christ that one truly understands and experiences how the "Uses of the Law" and "the grace of the Gospel" "do sweetly comply with" each other.²⁸

Caution Encouraged

With the awareness of the synthesized truths and moral duties associated with the legal types, Westminster's *Annotations* provided a word of caution for the exegete:

After the Morall and Judiciall Law, he giveth them the ceremoniall Laws, and that so punctually, that nothing should be left to mans invention: wherein some things have mysticall significations of great moment, and may have allusions to holy things, yet to be too curious, as many are in finding out conformities to every particular, may occasion both vanitie and presumption.²⁹

As one studies the approach taken in the Westminster Annotations, the evidence shows that the perpetual truths and duties they derived from legal rites were grounded in Scripture and not in vain imaginations. Over and over the moral truths and duties are accompanied by proof-texts supporting their statements demonstrating that the moral essence was from divine warrant, not conjectural fantasies or sinful curiosity. Just as the type/antitype connection is not accidental,

²⁸ WCF 19.7.

²⁹ Westminster Annotations, Exodus 25:2, "Spake."

neither are the spiritual truths and duties they were intended to teach. For the exegete, the safest course for discerning them is when Scripture interprets and enlightens other parts of Scripture.³⁰

Conclusion

Biblical law's complex and intricate nature is revealed by assembly members' precision in upholding and defending its tripartite distinction along with its accompanying subcategories. Remembering that the Assembly's confession was a compromised document resulting from diverse and even divergent views, nonetheless, some investigative conclusions are drawn from the final draft of the *Confession* and the personal writings of its members herein examined. The demand to properly categorize precepts and then properly exegete them demands that each genre, category, and subcategory be treated with the hermeneutical precision appropriate to it. Because they upheld the well attested view of the underlying general equity along with the evangelical duties intended by the ritual ordinances, they possessed a full, robust system of ethics touching all of life. Working within that system, members of the assembly demonstrated time and again how their hermeneutic for Ceremonial Law provided diverse moral instructions for the universal church's salvation, life, government, worship and discipline.

The hermeneutic found within their personal writings, combined with their theological understanding of law and gospel, resulted in an approach to legal types that are rich and full of glorious and heavenly truths connecting texts of Scripture from Genesis to Revelation. Behind those legal rites that by today's standard are deemed archaic, barbaric, or cruel are truths so inconceivable and glorious, that it took centuries to unfold and countless types to signify. They approached the ceremonial ordinances as the unveiling of the mind of God pertaining to the salvation of sinners in Christ Jesus and the way of holiness for all who trust in him. As the gospel, Israel's legal rites bleed Christ at every turn and consequently, so do Westminster's *Annotations* on them. Their hermeneutic on Ceremonial Law demanded they find these Christological antitypes and the moral duties flowing from them.

What every commentator on the *Westminster Confession of Faith* has failed to explain is the hermeneutic and systematic of biblical law pertaining to Ceremonial Law and alluded to with the phrase "and partly holding forth divers instructions of moral duties." Those commentators who ignored the phrase altogether obscured the full orbed hermeneutic of Ceremonial Law held

³⁰ WCF 1.6, 7, 9, 10.

to by some of its most influential members which went far beyond mere abrogation and Christological types. Their tripartite legal system and their hermeneutic of Ceremonial Law regarded the ceremonial precepts as reducible to the three essential elements of *case law*, *general equity*, and *typology*. The same application and understanding was found replicated in the *Westminster Annotations*. The Ceremonial Law's general equity was an assumed characteristic taken into account and explicated though not specifically mentioned in paragraph 19.3 of the *Confession*. Even though the actual case law and the entire system in which it was a part was fulfilled and abolished by Christ's atoning work, nevertheless, the moral instructions typologically embedded within them and the general equity foundationally beneath them, remains perpetually binding according to their systematic understanding. It is according to this paradigm that Westminster's confession can declare the entire Mosaic ceremonial system is abrogated according to its case laws but at the same time, they perpetually "hold forth divers instructions of moral duties" according to their general equity and their typological evangelical truths and duties.

To say the phrase "and partly holding forth divers instructions of moral duties" is pregnant with theological intent and meaning is a gross understatement.³¹ Lying behind the Assembly's statement is a lost art of biblical interpretation and the vast treasure of moral truths and duties which that hermeneutic opens for present day Christians. Those only identifying the Christological truths truncate the hermeneutical expectation intended by many of Westminster's members by not reaching back to extract the general equity or advancing forward to embrace the evangelical duties inseparably connected to those evangelical truths. Those only concerned with the Ceremonial Law's abrogation embrace a perspective robbing them of the richness of their moral implications for contemporary Christian ethics. Those who try to reinstate the rituals deny the reality of Christ's atonement and intercession. In contrast, those who understand that the rituals are abrogated yet their general equity and typological truths and duties still remain are blessed with a perspective that stimulates a never ending study into the areas of law, ethics, Christology, and soteriology. Evangelical comfort (gospel) and exhortations to holiness (law) are two Spirit empowered desires of the regenerated heart; and this hermeneutic of Ceremonial Law supplies an array of both when properly applied.

³¹ WCF 19.3.

By examining personal writings of assembly members, Westminster's paragraph 19.3 appears suggestive of much more than a mere definition of Ceremonial Law. It appears to intend an instruction for a proper hermeneutic based upon their definition and classification of Ceremonial Law in conjunction with their legal systematics. As a genre of Biblical Law, it possesses a hermeneutic indicative of its innate typological character. Their interpretational method requires not only a systematic understanding of biblical law but a systematic understanding of redemption. The more familiar the exegete is with both; the more rewarding will be their exegetical and sermonic processes with legal rites. The *Confession's* paragraph on the Ceremonial Law intends more than mere support for their tripartite belief; more than likely it is a reflection of their legal systematics and hermeneutical approach to interpreting every ceremonial precept. What is observed in the personal writings of these particular assembly members is that their hermeneutic, operating consistently within Westminster's legal systematics, solves the perceived confessional tension by allowing for the *abrogation* of Ceremonial Law's case laws while at the same time insisting on the *perpetuity* of the instructions of moral duties they were intended to teach.

Appendix A: Critical Text of Westminster Confession of Faith chapter 19: Of the Law of God

I. God gave to Adam a Law, as a Covenant of Works, by which he bound him, and all his posterity to personall, entire, exact, and perpetuall obedience; promised life upon the fulfilling, and threatned death upon the breach of it: and indued him with power and ability to keep it.

II. This Law, after his fall, continued to be a perfect rule of righteousness, and, as such, was delivered by God upon Mount Sinai, in ten Commandments, and written in two Tables: the four first Commandments containing our duty towards God; and the other six, our duty to man.

III. Besides this Law, commonly called Moral, God was pleased to give to the people of Israel, as a Church under age, Ceremoniall Laws containing severall typical Ordinances, partly of worship, prefiguring Christ, his graces, actions, sufferings, and benefits; and partly, holding forth divers instructions of moral duties. All which Ceremonial Laws are now abrogated, under the new Testament.

IV. To them also, as a Body Politique, he gave sundry Judicial Laws, which expired together with the State of that People; not obliging any other now, further than the general equity thereof may require.

V. The Moral Law doth for ever binde 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 Creatour, who gave it: Neither doth Christ, in the Gospel, any way dissolve, but much strengthen this obligation.

VI. Although true Beleevers be not under the Law, as a Covenant of Works, to be thereby justified, or condemned; yet, is it of great use to them, as well as to others; in that, as a Rule of life informing them of the will of God, and their duty, it directs, and binde them to walke accordingly; discovering also the sinfull pollutions of their nature, hearts, and lives; so as, examining themselves thereby, they may come to further conviction of, humiliation for, and hatred against sin; together with a cleerer sight of the need they have of Christ, and the perfection of his obedience. It is likewise of use to the Regenerate, to restrain their corruptions, in that it forbids sin: and, the threatnings of it serve to shew, what, even their sins, deserve; and, what afflictions, in this life, they may expect for them, although freed from the curse thereof threatned in the Law. The Promises of it, in like manner, shew them God's approbation of obedience, and what blessings they may expect upon the performance thereof; although, not as due to them by the Law, as a Covenant of Works. So as, a mans doing good, and refraining from evil, because the Law encourageth to the one, and deterreth from the other, is no evidence of his being under the Law; and, not under grace.

VII. Neither are the forementioned Uses of the Law contrary to the grace of the Gospel, but do sweetly comply with it; the Spirit of Christ subduing, and inabling the will of man, to do that, freely and chearfully, which the will of God, revealed in the Law, requireth to be done. ¹

¹ John R. Bower, *The Confession of Faith: A Critical Text and Introduction*, (Grand Rapids: Reformation Heritage Books, 2020), 217-218. The proof-texts found in the right margin are herein purposely omitted.

Appendix B – Timeline of Events in Chapter 6 on Proof-Texts

Monday, September 28, 1646	First 19 chapters sent to Parliament for review
Monday, October, 12, 1646	Assembly receives first order from Parliament for proof texts
Tuesday, October 13, 1646	Assembly debates the issues of annexing proof texts to the Confession
Thursday, November 26, 1646	Main draft of Confession completed
Friday, December 4, 1646	Confessional Revisions made until this date and then sent to Parliament
Thursday, December 10, 1646	Parliament ordered 600 copies & gives 2 nd order for Proof texts
Thursday, December 24, 1646	Gillespie informs Assembly some Scots were returning to Scotland
Wednesday, January 6, 1647	A three-man committee appointed by the Assembly to start proof texts
Thursday, January 7, 1647	Assembly examines chapter 1 proof texts, approves first paragraph
Friday, February 19, 1647	First 4 paragraphs of chapter 19 - proof texts debated & approved
Monday, February 22, 1647	Last 3 paragraphs of chapter 19 - proof texts debated & approved
Friday, March 5, 1647	All proof-texts completed for Confession (debates continued over them) ¹

¹ Robert Letham stated that the work was completed by Session 804 on March 5, 1647, but that another committee was appointed to review the work that finally concluded the process in Session 825 on April 12, 1647. Letham, *Westminster Assembly*, 137, fn. 48.

Appendix C – Survey of 1 Cor. 5:7, 2 Cor. 6:17, and Jude 23 throughout the Standards & the Minutes and Papers of the Westminster Assembly

The following appendix surveys and summarizes the use of the three proof-texts the Assembly attached to their confessional phrase “and partly, holding forth divers instructions of moral duties.”¹ The aim is to understand how these three verses were used in their debates and what, if any, moral connections are revealed between the Ceremonial Law and contemporary instructions of moral duties. The first chart provides the location within the Standards of every place those texts are utilized as proof-texts. The second chart categories them according to subject matter for which they were utilized within the Standards. The last section provides a summation of all the places in the *Minutes and Papers* where the texts were appealed to during the Assembly’s debates and the subject matter under discussion.

Chart of proof-texts as cited within the Westminster standards:

Standards	1 Cor. 5:7	2 Cor. 6:17	Jude 23
WCF	7.5, 19.3 (vss. 6-7) 25.4, 29.8 (Entire chapter) ² 30.3	19.3	19.3, 30.3
WLC	34, 171 (vss. 7-8) 171 (Entire chapter) 108, 173		173
WSC	97		

Chart of all three proof-texts within the Standards according to subject matter:

WCF chapter	WCF	WLC	WLC connection	WSC	WSC connections
God’s Covenant with man	7.5	34	Old Testament administration of the Covenant of Grace- Types		
The Law of God	19.3				
The Church	25.4				
The Lord’s Supper	29.8	171, 173	171-examination for sins and wants, charity to all men, new obedience 173 –those kept from the Supper	97	“new obedience” and need for sanctification for worthy participation in the Lord’s Supper
Church Censures	30.3	108	censures as expression of 2 nd commandment		

¹ WCF 19.3.

² The entire chapter of 1 Corinthians 5 is referenced due to the contextual inclusion of verse seven.

7.5 – As proof that the Covenant of Grace was administered differently under the Old Testament through its promises, sacraments, and sacrificial system and various types.

19.3: all three proof texts are used to demonstrate the instructions of moral duties associated with the Ceremonial Law.

25.4: In expounding the visible nature of the Church, they address the issue of varying degrees of purity found within particular churches. Along with 1 Cor. 5.6 are added Rev. 2 & 3 (the letters to the seven churches). The emphasis appears to be the leavening factor of the particular congregation when sin is not dealt with properly and therefore, must be expelled from their midst. If left to remain, it lowers the degree of purity within the church and could result into them degenerating into not being a church at all but rather a “synagogues of Satan.”

29.8: On the Lord’s Supper, they address the vanity and sin of ignorant and wicked men who partake of the Lord’s Supper. The first proof text is 2 Cor. 6.14-16 and stops short of verse 17. The last phrase of the paragraph “or be admitted thereunto” also has a proof text of 1 Cor. 5:6-7. The difference is that in the first case, it is the unworthiness of the person who is seeking to engage in the sacrament while the latter phrase addresses those charged with administering it. In both cases there is a warning to maintain purity and separation. The ignorant and wicked are not to seek participation in the Sacrament, and those charged with administering it are not to allow such to partake. This forms a dual moral duty binding on two separate groups. (Cf. *LC 173* where the same authority to keep one from the sacrament is affirmed and both 1 Cor. 5 and Jude 23 are referenced as a proof text.)

30.3: Addresses the necessity of Church censures, references Jude 23 and the entire chapter of 1 Corinthians 5. The necessity spoken of is removing the leaven (sin) that results in vindicating the honor of Christ and the gospel and preventing the wrath of God. (The same contextual use of these proof texts also takes place for *LC 173*.)

Within the Minutes of the Assembly

This section highlights how the Assembly appropriated the proof-texts as they conducted their debates. The survey will examine each use of the three Scripture proofs as found recorded in the *M & P*. The references are few, allowing each one to be briefly summarized.

1 Cor. 5.7³

³ 1 Corinthians 5:7 – “Purge out therefore the olde leauen, that ye may be a newe lumpe, as ye are vnleauened: for Christ our Passeouer is sacrificed for vs.” (*GNV*)

This text is referenced several times within the *M & P*. The deliberations show that its use is directed to discussions concerning church government and discipline, especially excommunication.

In Session 86, on November 1, 1643, this verse and its context appear in a debate “over the extraordinary church officers of the New Testament era” especially the apostles’ office and their exercising of “the power of the keys in churches throughout the world.”⁴

During Sessions 156 and 157, on Feb. 16 and 19, 1644, the Assembly heard arguments about church government. On the 16th, they debated regional presbyteries, and on the 19th, the Congregationalists put forth arguments against Presbyterianism. The thing to note is that on the 19th, Congregationalist Thomas Goodwin affirmed his opinion by stating that their view was “analogous to that we contend for [in] 1 Cor. 5.” This demonstrates that an analogical hermeneutic applied to the Mosaic ceremonial laws was not constrained to a particular theological camp.⁵

Session 303, on October 14, 1644, there was a debate concerning excommunication centered around the text of 1 Cor. 5, especially verses 1-7 and 12-13. This debate specifically concerned the *Directory for Church Government*. The session’s minutes appear to be the longest within the *M & P* concerning this verse though no new information is gleaned.

Session 305, on October 16, 1644, Stephen Marshall referred to all the leaven being put out of the house during the Passover. This reference was also during a debate concerning excommunication. One should readily see the analogical connections.

Session 623, April 16, 1646, while debating church government and excommunication, Palmer appeals to the verse by citing “purge out the old leaven.” He then stated that Paul “confirms it afterwards by a like direction concerning others: ‘with such an one, noe, not to eate.’”⁶ Palmer’s use of the words “by a like direction” affirms the ceremonial precepts’ analogical instruction and duty.

On February 3, 1645, after much debate took place over the passage of 1 Cor. 5, there was a brief statement concerning excommunication sent to both Houses of Parliament. In this lengthy sentence appears the affirmation, “there is such a Church censure as excommunication viz. the shutting out of a person from the Communion & fellowship of the faithful.”⁷ Along with this statement is added several Scripture references as proof. Among them is 1 Corinthians 5: 2, 5, 7, 12, and 13.

⁴ Van Dixhoorn, *M&P*, vol. 2, 256.

⁵ Some may object to this statement due to Mr. Bridge’s questioning of an analogical connection with 2 Cor. 6:17. Yet, he may only be questioning whether that particular analogy is valid for that particular case. Whatever the reason for the question, he does continue to ask that if there is a valid analogy, then is it between “their suspension and our excommunication?” It appears if there is an analogy, he wants to know in what sense or degree the analogy holds. His words exclude an outright denial of an analogical hermeneutic either way. *Ibid.*, vol. 3, 122. Goodwin, according to Van Dixhoorn, “played a leading role in the committees of dissenting brethren who were appointed to produce position papers and minority reports on ecclesiological matters.” This was probably in large part to his own ecclesiological views of independency. *Ibid.*, vol. 1, 120-21.

⁶ *Ibid.*, vol. 4, 65.

⁷ *Ibid.*, vol. 5, 167.

2 Cor. 6:17⁸

There is only one reference to 2 Cor. 6:17 in the *M & P*. Like 1 Cor. 5:7, it, too, is used analogically in a debate concerning excommunication from the Lord's Table. During Session 226, on May 24, 1644, Mr. Bridge questioned "[W]hether ther be any such analogy" and "[I]f soe, whether it be not betweene their suspension and our excommunication."⁹

Before moving to Jude 23, it is worth summarizing our findings. It appears the only use of either of the passages in 1 and 2 Corinthians is by way of analogy. From these passages, the Assembly makes *analogical conclusions and applications* concerning a church officers' authority and the validity of excommunication from the Lord's Table.

Jude 23¹⁰

There are only two places within the *M & P* where Jude 23 is listed, and both during the year 1644. Like the two previous texts, both references to Jude 23 concern church censures and the Lord's Table.¹¹ In both instances, the context is the Church's power to suspend a church member from the Lord's Table. The first reference is during an Assembly debate and the second in a "draft of advice concerning church government," which the Assembly "submitted to both houses of Parliament."¹²

In the first citation, George Walker referred to Jude 23 specifically to distinguish teachers (i.e., church officers in what appears from the scant context) from the rest of the church body. He then stated that it is "a commandment to teachers how to save men when they are running into destruction." He then quoted that part of the verse, which states, "[H]ating the garment polluted." Afterward, he affirmed that these words were "an allusion to the law" and "they that ware defiled ware kept from the communion of holy things." Walker concluded that the Mosaic ceremonial law prohibiting those defiled from communing in the holy ordinances gave precedent to the New Testament Church through analogy for doing the same when the need arose. This conclusion is made more concrete by the following reference of Jude 23.

In the second reference to Jude 23, one can see how the Divines argued from the Old Testament law to the New Testament practice by utilizing an analogical approach. Again, the context is the power and authority of ruling officers in the church, especially concerning suspension from the Lord's Table. Jude 23 is found listed among other verses as evidence for such authority. Following this list is a statement providing an example of the Assembly's application of the analogical relation between ceremonial laws and the New Testament Church.

⁸ 2 Corinthians 6:17 – "Wherefore come out from among them, and separate your selues, saith the Lord, and touch none vncleane thing, and I wil receiue you." (*GNV*)

⁹ Van Dixhoorn, *M&P*, vol. 3, 122.

¹⁰ Jude 23 – "And other saue with feare, pulling them out of the fire, and hate euen that garment which is spotted by the flesh." (*GNV*)

¹¹ Van Dixhoorn, *M&P*, vol. 3, 119, and vol. 5, 134. The first took place on May 23 and the second on December 11.

¹² *Ibid.*, vol. 5, 127.

And there was power and authority under the Old Testament, to keepe unclean persons from holy things, Leviticus, chap. 13th, vers. 5th, Numbers, chap. 9th, vers. 7th; 2 book of Chronicles, chap. 23, verse. 19. The like power & authority, by way of analogy, continues under the New Testament. The Ruling officers of a particular Congregation have power authoritatively to suspend from the Lords table a Person not yet cast out of the church.¹³

The New Testament's examples of the Ceremonial Law's analogical implementation become the source of divine authority upon which they rest their doctrinal understanding. The analogical application is the only application of these three Scripture-proofs in the Minutes. From these and other laws, are deduced the authority of church officers concerning erring parishioners and their relation to the Lord's Table. Likewise, they deduced duties obligating New Testament parishioners concerning the same issues.¹⁴

It was the New Testament's inspired example the Assembly sought to replicate by referencing these Scripture-proofs in their deliberations. By doing so, they applied analogical duties to the New Testament church even though the case laws had been abolished. This view goes beyond the idea that the ceremonial laws merely instruct concerning the sinfulness within humanity. The examples demonstrate they also instruct concerning righteous duties still binding on the New Testament Church.¹⁵ It also indicates that an analogical approach was one way to extract present-day obligations from the Old Testament's ceremonial laws.

¹³ Ibid., vol. 5, 134.

¹⁴ Ibid.

¹⁵ In this sentence, *positive* does not mean mutable but rather is set in opposition to negative. Negative duties would be those concerning hatred of sin and its defilement while positive would be those duties of holiness one is to engage in by faith.

Appendix D: Ceremonial Ordinances: Dead and Deadly

This appendix is a chronologically arranged collection of Christian theologians and their quotations beginning with Augustine in the Fourth Century to Westminster Assembly members and other divines in the seventeenth century. The purpose is to demonstrate how well known the idea of *burying Moses respectfully* was understood and associated with the maxim *the Ceremonial and Judicial laws of Moses are dead but the ceremonial laws are deadly*. Even though the ceremonial ordinances were considered abrogated (dead) as a consequence of Christ's death, and since the destruction of the Jewish Temple in A.D. 70, are considered deadly if reinstated, there was a consensus that a middle period of time existed under the apostles where the ceremonial laws were dead but not yet deadly. This was a time of enormous transition for many Jews coming to faith in Christ. And for them, having been raised under those ordinances, they were conscientiously dealing with the reality of the Ceremonial Law's abrogation by Christ's death. That particular Jewish Christian generation in the apostolic era was permitted to view these ordinances as indifferent rather than binding, and therefore, allowed to work through their issues of conscience pertaining to the abolition of those ordinances. During this time, there was a great deal of pressure placed upon the apostolic church. That pressure resulted from fears of schism, binding the conscience, violating the conscience, and a perversion of the Gospel. Consequently, the Apostles had to carefully navigate the Church through these weighty matters. As the quotes reveal, so well known was this idea and its maxim that abbreviations of it were commonly used. Some simply referred to them as *deadly*, or as *dead and deadly*. Others employed the well known Latin form of the same calling them *mortales*, *mortua*, and *mortifera*. The idea and language of the maxim undergirds and expresses the definitional intent of the English word "expired" as used by the Westminster Assembly in describing the abolition of the Ceremonial Law.¹

Note to the Reader:

Due to the length of the quotes by Augustine and Aquinas, it is recommended that they be read last. A contents section of the quotes is listed for the reader that he or she may more easily access a particular theologian herein quoted. Reading Augustine and Aquinas last will provide the reader with a faster survey of the doctrinal position from smaller quotes and better familiarize the reader with what to expect from those longer texts; especially Augustine's, to whom many of them appeal.

Ordered list of divines quoted below:

Augustine [354-430] (A): Letter 40 – to Jerome in 397

¹ WCF 19.3.

Augustine (B): Letter 82 - to Jerome in 398
Aquinas (1225-1274)
Marsilius of Padua (1275-1342)
John Calvin [1509-1564]
John Smith [1563-1616]
Franciscus Junius [1545-1602] (A)
Franciscus Junius (B)
Synopsis of a Purer Theology [1625]
Antonius Thysius [1565-1640]
Johannes Polyander [1568-1646]
Thomas Barnes [Published 1623]
Edward Kellet [1628]
Thomas Hill [died 1653]
Edward Willan [Published 1651]
Henry Hibbert [1601/2-1678]
James Durham [1622-1658]
John Stileman [died 1685]
William Lord Bishop of St. Davids [1613-1689]
Matthew Henry [1662-1714]
John Owen [1616-1683] (A)
John Owen (B)
Francis Turretin [1623-1687]
Westminster Assembly Members
Anthony Burgess [NA-1664]
Thomas Case [1598-1682]
William Gouge [1575-1653] (A)
William Gouge (B)

Richard Vines [1599/1600-1656]

William Twisse [1577/8-1646]

John Wallis [1616-1703]

John Wallis (B)

Augustine [354-430] (A): Letter 40 – to Jerome in 397

You do not require me to teach you in what sense the apostle says, “To the Jews I became as a Jew, that I might gain the Jews,” and other such things in the same passage, which are to be ascribed to the compassion of pitying love, not the artifices of intentional deceit. For he that ministers to the sick becomes as if he were sick himself; not, indeed, falsely pretending to be under the fever, but considering, with the mind of one truly sympathizing, what he would wish done for himself if he were in the sick man’s place. Paul was indeed a Jew; and when he had become a Christian, he had not abandoned those Jewish sacraments which that people had received in the right way, and for a certain appointed time. Therefore, even although he was an apostle of Christ, he took observing these; but with this view, that he might show that they were in no wise hurtful to those who, even after they had believed in Christ, desired to retain the ceremonies which by the law they had learned from their fathers; provided only that they did not build on these their hope of salvation, since the salvation which was foreshadowed in these has now been brought in by the Lord Jesus. For the same reason, he judged that these ceremonies should by no means be made binding on the Gentile converts, because, by imposing a heavy and superfluous burden, they might turn aside from the faith those who were unaccustomed to them.²

Augustine (B): Letter 82 - to Jerome in 398

16. Shall I also sum up “the matter in debate, or rather your opinion concerning it “(to quote your own expression)? It seems to me to be this: that after the gospel of Christ has been published, the Jews who believe do rightly if they offer sacrifices as Paul did, if they circumcise their children as Paul circumcised Timothy, and if they observe the “seventh day of the week, as the Jews have always done, provided only that they do all this as dissemblers and deceivers.” If this is your doctrine, we are now precipitated, not into the heresy of Ebion, or of those who are commonly called Nazarenes, or any other known heresy, but into some new error, which is all the more pernicious because it originates not in mistake, but in deliberate and designed endeavour to deceive. If, in order to clear yourself from the charge of entertaining such sentiments, you answer that the apostles were to be commended for dissimulation in these instances, their purpose being to avoid giving offence to the many weak Jewish believers who did not yet understand that these things were to be rejected, but that now, when the doctrine of Christ’s grace has been firmly

² Augustine of Hippo, *Letters*, 1:273.

established throughout so many nations, and when, by the reading of the Law and the Prophets throughout all the churches of Christ, it is well known that these are not read for our observance, but for our instruction, any man who should propose to feign compliance with these rites would be regarded as a madman. What objection can there be to my affirming that the Apostle Paul, and other sound and faithful Christians, were bound sincerely to declare the worth of these old observances by occasionally honouring them, lest it should be thought that these institutions, originally full of prophetic significance, and cherished sacredly by their most pious forefathers, were to be abhorred by their posterity as profane inventions of the devil? For now, when the faith had come, which, previously foreshadowed by these ceremonies, was revealed after the death and resurrection of the Lord, they became, so far as their office was concerned, defunct. But just as it is seemly that the bodies of the deceased be carried honourably to the grave by their kindred, so was it fitting that these rites should be removed in a manner worthy of their origin and history, and this not with pretence of respect, but as a religious duty, instead of being forsaken at once, or cast forth to be torn in pieces by the reproaches of their enemies, as by the teeth of dogs. To carry the illustration further, if now any Christian (though he may have been converted from Judaism) were proposing to imitate the apostles in the observance of these ceremonies, like one who disturbs the ashes of those who rest, he would be not piously performing his part in the obsequies, but impiously violating the sepulchre.

17. I acknowledge that in the statement contained in my letter, to the effect that the reason why Paul undertook (although he was an apostle of Christ) to perform certain rites, was that he might show that these ceremonies were not pernicious to those who desired to continue that which they had received by the Law from their fathers, I have not explicitly enough qualified the statement, by adding that this was the case *only in that time in which the grace of faith was at first revealed*; for at that time this was not pernicious. These observances were to be given up by all Christians step by step, as time advanced; not all at once, lest, if this were done, men should not perceive the difference between what God by Moses appointed to His ancient people, and the rites which the unclean spirit taught men to practise in the temples of heathen deities. I grant, therefore, that in this your censure is justifiable, and my omission deserved rebuke. Nevertheless, long before the time of my receiving your letter, when I wrote a treatise against Faustus the Manichæan, I did not omit to insert the qualifying douse which I have just stated, in a short exposition which I gave of the same passage, as you may see for yourself if you kindly condescend to read that treatise; or you may be satisfied in any other way that you please by the bearer of this letter, that I had long ago published this restriction of the general affirmation. And I now, as speaking in the sight of God, beseech you by the law of charity to believe me when I say with my whole heart, that it never was my opinion that in our time, Jews who become Christians were either required or at liberty to observe in any manner, or from any motive whatever, the ceremonies of the ancient dispensation; although I have always held, in regard to the Apostle Paul, the opinion which you call in question, from the time that I became acquainted with his writings. Nor can these two things appear incompatible to you; for you do not think it is the duty of any one in our

day to feign compliance with these Jewish observances, although you believe that the apostles did this.

18. Accordingly, as you in opposing me affirm, and, to quote your own words, “though the world were to protest against it, boldly declare that the Jewish ceremonies are to Christians both hurtful and fatal, and that whoever observes them, whether he was originally Jew or Gentile, is on his way to the pit of perdition,” I entirely indorse that statement, and add to it, “Whoever observes these ceremonies, whether he was originally Jew or Gentile, is on his way to the pit of perdition, not only if he is sincerely observing them, but also if he is observing them with dissimulation.” What more do you ask? But as you draw a distinction between the dissimulation which you hold to have been practised by the apostles, and the rule of conduct befitting the present time, I do the same between the course which Paul, as I think, sincerely followed in all these examples then, and the matter of observing in our day these Jewish ceremonies, although it were done, as by him, without any dissimulation, since it was then to be approved, but is now to be abhorred. Thus, although we read that “the law and the prophets were until John,” and that “therefore the Jews sought the more to kill Him, because He not only had broken the Sabbath, but said also that God was His Father, making Himself equal with God,” and that “we have received grace for grace; for the law was given by Moses, but grace and truth came by Jesus Christ;” and although it was promised by Jeremiah that God would make a new covenant with the house of Judah, not according to the covenant which He made with their fathers; nevertheless I do not think that the Circumcision of our Lord by His parents was an act of dissimulation. If any one object that He did not forbid this because He was but an infant, I go on to say that I do not think that it was with intention to deceive that He said to the leper, “Offer for thy cleansing those things which Moses commanded for a testimony unto them,”—thereby adding His own precept to the authority of the law of Moses regarding that ceremonial usage. Nor was there dissimulation in His going up to the feast, as there was also no desire to be seen of men; for He went up, not openly, but secretly.

19. But the words of the apostle himself may be quoted against me: “Behold, I Paul say unto you, that if ye be circumcised, Christ shall profit you nothing.” It follows from this that he deceived Timothy, and made Christ profit him nothing, for he circumcised Timothy, Do you answer that this circumcision did Timothy no harm, because it was done with an intention to deceive? I reply that the apostle has not made any such exception. He does not say, If ye be circumcised without dissimulation, any more than, If ye be circumcised with dissimulation. He says unreservedly, “If ye be circumcised, Christ shall profit you nothing.” As, therefore, you insist upon finding room for your interpretation, by proposing to supply the words, “unless it be done as an act of dissimulation,” I make no unreasonable demand in asking you to permit me to understand the words, “if ye be circumcised,” to be in that passage addressed to those who demanded circumcision, for this reason, that they thought it impossible for them to be otherwise saved by Christ. Whoever was then circumcised because of such persuasion and desire, and with this design, Christ assuredly profited him nothing, as the apostle elsewhere expressly affirms, “If righteousness come by the law, Christ is dead in vain.” The same is affirmed in words which you

have quoted: "Christ is become of no effect to you, whosoever of you is justified by the law; ye are fallen from grace." His rebuke, therefore, was addressed to those who believed that they were to be justified by the law,—not to those who, knowing well the design with which the legal ceremonies were instituted as foreshadowing truth, and the time for which they were destined to be in force, observed them in order to honour Him who appointed them at first. Wherefore also he says elsewhere, "If ye be led of the Spirit, ye are not under the law,"—a passage from which you infer, that evidently "he has not the Holy Spirit who submits to the Law, not, as our fathers affirmed the apostles to have done, feignedly under the promptings of a wise discretion, but"—as I suppose to have been the case—"sincerely."

20. It seems to me important to ascertain precisely what is that submission to the law which the apostle here condemns; for I do not think that he speaks here of circumcision merely, or of the sacrifices then offered by our fathers, but now not offered by Christians, and other observances of the same nature. I rather hold that he includes also that precept of the law, "Thou shalt not covet," which we confess that Christians are unquestionably bound to obey, and which we find most fully proclaimed by the light which the Gospel has shed upon it. "The law," he says, "is holy, and the commandment holy, and just, and good;" and then adds, "Was, then, that which is good made death unto me? God forbid." "But sin, that it might appear sin, wrought death in me by that which is good; that sin, by the commandment, might become exceeding sinful." As he says here, "that sin by the commandment might become exceeding sinful," so elsewhere, "The law entered that the offence might abound; but where sin abounded, grace did much more abound." Again, in another place, after affirming, when speaking of the dispensation of grace, that grace alone justifies, he asks, "Wherefore then serveth the law?" and answers immediately, "It was added because of transgressions, until the Seed should come to whom the promises were made." The persons, therefore, whose submission to the law the apostle here pronounces to be the cause of their own condemnation, are those whom the law brings in guilty, as not fulfilling its requirements, and who, not understanding the efficacy of free grace, rely with self-satisfied presumption on their own strength to enable them to keep the law of God; for "love is the fulfilling of the law." Now "the love of God is shed abroad in our hearts," not by our own power, but "by the Holy Ghost, which is given unto us." The satisfactory discussion of this, however, would require too long a digression, if not a separate volume. If, then, that precept of the law, "Thou shalt not covet," holds under it as guilty the man whose human weakness is not assisted by the grace of God, and instead of acquitting the sinner, condemns him as a transgressor, how much more was it impossible for those ordinances which were merely typical, circumcision and the rest, which were destined to be abolished when the revelation of grace became more widely known, to be the means of justifying any man! Nevertheless they were not on this ground to be immediately shunned with abhorrence, like the diabolical impieties of heathenism, from the first beginning of the revelation of the grace which had been by these shadows prefigured; but to be for a little while tolerated, especially among those who joined the Christian Church from that nation to whom these ordinances had been given. When, however, they had been, as it were, honourably buried, they were thenceforward to be finally abandoned by all Christians.

21. Now, as to the words which you use, “non dispensative, ut nostri voluere majores,”—“not in a way justifiable by expediency, the ground on which our fathers were disposed to explain the conduct of the apostles,”—pray what do these words mean? Surely nothing else than that which I call “officiosum mendacium,” the liberty granted by expediency being equivalent to a call of duty to utter a falsehood with pious intention. I at least can see no other explanation, unless, of course, the mere addition of the words “permitted by expediency” be enough to make a lie cease to be a lie; and if this be absurd, why do you not openly say that a lie spoken in the way of duty is to be defended? Perhaps the name offends you, because the word “officium” is not common in ecclesiastical books; but this did not deter our Ambrose from its use, for he has chosen the title “De Officiis” for some of his books that are full of useful rules. Do you mean to say, that whoever utters a lie from a sense of duty is to be blamed, and whoever does the same on the ground of expediency is to be approved? I beseech you, consider that the man who thinks this may lie whenever he thinks fit, because this involves the whole important question whether to say what is false be at any time the duty of a good man, especially of a Christian man, to whom it has been said, “Let your yea be yea, and your nay, nay, lest ye fall into condemnation,” and who believes the Psalmist’s word, “Thou wilt destroy all them that speak lies.”

22. This, however, is, as I have said, another and a weighty question; I leave him who is of this opinion to judge for himself the circumstances in which he is at liberty to utter a lie: provided, however, that it be most assuredly believed and maintained that this way of lying is far removed from the authors who were employed to write holy writings, especially the canonical Scriptures; lest those who are the stewards of Christ, of whom it is said, “It is required in stewards, that a man be found faithful,” should seem to have proved their fidelity by learning as an important lesson to speak what is false when this is expedient for the truth’s sake, although the word fidelity itself, in the Latin tongue, is said to signify originally a real correspondence between what is said and what is done. Now, where that which is spoken is actually done, there is assuredly no room for falsehood. Paul therefore, as a “faithful steward” doubtless is to be regarded as approving his fidelity in his writings; for he was a steward of truth, not of falsehood. Therefore he wrote the truth when he wrote that he had seen Peter walking not uprightly, according to the truth of the gospel, and that he had withstood him to the face because he was compelling the Gentiles to live as the Jews did. And Peter himself received, with the holy and loving humility which became him, the rebuke which Paul, in the interests of truth, and with the boldness of love, administered. Therein Peter left to those that came after him an example, that, if at any time they deviated from the right path, they should not think it beneath them to accept correction from those who were their juniors,—an example more rare, and requiring greater piety, than that which Paul’s conduct on the same occasion left us, that those who are younger should have courage even to withstand their seniors if the defence of evangelical truth required it, yet in such a way as to preserve unbroken brotherly love. For while it is better for one to succeed in perfectly keeping the right path, it is a thing much more worthy of admiration and praise to receive admonition meekly, than to admonish a transgressor boldly. On that occasion, therefore, Paul was to be praised for upright courage, Peter was to be praised for holy humility;

and so far as my judgment enables me to form an opinion, this ought rather to have been asserted in answer to the calumnies of Porphyry, than further occasion given to him for finding fault, by putting it in his power to bring against Christians this much more damaging accusation, that either in writing their letters or in complying with the ordinances of God they practised deceit.

Chap. III.

23. You call upon me to bring forward the name of even one whose opinion I have followed in this matter, and at the same time you have quoted the names of many who have held before you the opinion which you defend. You also say that if I censure you for an error in this, you beg to be allowed to remain in error in company with such great men. I have not read their writings; but although they are only six or seven in all, you have yourself impugned the authority of four of them. For as to the Laodicean author, whose name you do not give, you say that he has lately forsaken the Church; Alexander you describe as a heretic of old standing; and as to Origen and Didymus, I read in some of your more recent works, censure passed on their opinions, and that in no measured terms, nor in regard to insignificant questions, although formerly you gave Origen marvellous praise. I suppose, therefore, that you would not even yourself be contented to be in error with these men; although the language which I refer to is equivalent to an assertion that in this matter they have not erred. For who is there that would consent to be knowingly mistaken, with whatever company he might share his errors? Three of the even therefore alone remain, Eusebius of Emesa, Theodorus of Heraclea, and John, whom you afterwards mention, who formerly presided as pontiff over the Church of Constantinople.

24. However, if you inquire or recall to memory the opinion of our Ambrose, and also of our Cyprian, on the point in question, you will perhaps find that I also have not been without some whose footsteps I follow in that which I have maintained. At the same time, as I have said already, it is to the canonical Scriptures alone that I am bound to yield such implicit subjection as to follow their teaching, without admitting the slightest suspicion that in them any mistake or any statement intended to mislead could find a place. Wherefore, when I look round for a third name that I may oppose three on my side to your three, I might indeed easily find one, I believe, if my reading had been extensive; but one occurs to me whose name is as good as all these others, nay, of greater authority—I mean the Apostle Paul himself. To him I betake myself; to himself I appeal from the verdict of all those commentators on his writings who advance an opinion different from mine. I interrogate him, and demand from himself to know whether he wrote what was true, or under some plea of expediency wrote what he knew to be false, when he wrote that he saw Peter not walking uprightly, according to the truth of the gospel, and withstood him to his face. because by that dissimulation he was compelling the Gentiles to live after the manner of the Jews. And I hear him in reply proclaiming with a solemn oath in an earlier part of the epistle, where he began this narration, “The things that I write unto you, behold, before God, I lie not.”

25. Let those who think otherwise, however great their names, excuse my differing from them. The testimony of so great an apostle using, in his own writings. an oath as a confirmation of their

truth, is of more weight with me than the opinion of any man, however learned, who is discussing the writings of another. Nor am I afraid lest men should say that, in vindicating Paul from the charge of pretending to conform to the errors of Jewish prejudice, I affirm him to have actually so conformed. For as, on the one hand, he was not guilty of pretending conformity to error when, with the liberty of an apostle, such as was suitable to that period of transition, he did, by practising those ancient holy ordinances, when it was necessary to declare their original excellence as appointed not by the wiles of Satan to deceive men, but by the wisdom of God for the purpose of typically foretelling things to come; so, on the other hand, he was not guilty of real conformity to the errors of Judaism, seeing that he not only knew, but also preached constantly and vehemently, that those were in error who thought that these ceremonies were to be imposed upon the Gentile converts, or were necessary to the justification of any who believed.³

Aquinas (1225-1274]

I answer that, All ceremonies are professions of faith, in which the interior worship of God consists. Now man can make profession of his inward faith, by deeds as well as by words: and in either profession, if he make a false declaration, he sins mortally. Now, though our faith in Christ is the same as that of the fathers of old; yet, since they came before Christ, whereas we come after Him, the same faith is expressed in different words, by us and by them. For by them was it said: *Behold a virgin shall conceive and bear a son*, where the verbs are in the future tense: whereas we express the same by means of verbs in the past tense, and say that she *conceived and bore*. In like manner the ceremonies of the Old Law betokened Christ as having yet to be born and to suffer: whereas our sacraments signify Him as already born and having suffered. Consequently, just as it would be a mortal sin now for anyone, in making a profession of faith, to say that Christ is yet to be born, which the fathers of old said devoutly and truthfully; so too it would be a mortal sin now to observe those ceremonies which the fathers of old fulfilled with devotion and fidelity. Such is the teaching Augustine (*Contra Faust.* xix. 16), who says: *It is no longer promised that He shall be born, shall suffer and rise again, truths of which their sacraments were a kind of image: but it is declared that He is already born, has suffered and risen again; of which our sacraments, in which Christians share, are the actual representation.*

Reply Obj. 1. On this point there seems to have been a difference of opinion between Jerome and Augustine. For Jerome (*Super Galat.* ii. 11, seq.) distinguished two periods of time. One was the time previous to Christ's Passion, during which the legal ceremonies were neither dead, since they were obligatory, and did expiate in their own fashion; nor deadly, because it was not sinful to observe them. But immediately after Christ's Passion they began to be not only dead, so as no longer to be either effectual or binding; but also deadly, so that whoever observed them was guilty of mortal sin. Hence he maintained that after the Passion the apostles never observed the

³ Ibid., 354-58.

legal ceremonies in real earnest; but only by a kind of pious pretense, lest, to wit, they should scandalize the Jews and hinder their conversion. This pretense, however, is to be understood, not as though they did not in reality perform those actions, but in the sense that they performed them without the mind to observe the ceremonies of the Law: thus a man might cut away his foreskin for health's sake, not with the intention of observing legal circumcision.

But since it seems unbecoming that the apostles, in order to avoid scandal, should have hidden things pertaining to the truth of life and doctrine, and that they should have made use of pretense, in things pertaining to the salvation of the faithful; therefore Augustine (*Epist. lxxxii.*) more fittingly distinguished three periods of time. One was the time that preceded the Passion of Christ, during which the legal ceremonies were neither deadly nor dead: another period was after the publication of the Gospel, during which the legal ceremonies are both dead and deadly. The third is a middle period, viz., from the Passion of Christ until the publication of the Gospel, during which the legal ceremonies were dead indeed, because they had neither effect nor binding force; but were not deadly, because it was lawful for the Jewish converts to Christianity to observe them, provided they did not put their trust in them so as to hold them to be necessary unto salvation, as though faith in Christ could not justify without the legal observances. On the other hand, there was no reason why those who were converted from heathendom to Christianity should observe them. Hence Paul circumcised Timothy, who was born of a Jewish mother; but was unwilling to circumcise Titus, who was of heathen nationality.

The reason why the Holy Ghost did not wish the converted Jews to be debarred at once from observing the legal ceremonies, while converted heathens were forbidden to observe the rites of heathendom, was in order to show that there is a difference between these rites. For heathenish ceremonial was rejected as absolutely unlawful, and as prohibited by God for all time; whereas the legal ceremonial ceased as being fulfilled through Christ's Passion, being instituted by God as a figure of Christ.

Reply Obj. 2. According to Jerome, Peter withdrew himself from the Gentiles by pretense, in order to avoid giving scandal to the Jews, of whom he was the Apostle. Hence he did not sin at all in acting thus. On the other hand, Paul in like manner made a pretense of blaming him, in order to avoid scandalizing the Gentiles, whose Apostle he was.—But Augustine disapproves of this solution: because in the canonical Scripture (viz., Gal. 2:11), wherein we must not hold anything to be false, Paul says that Peter *was to be blamed*. Consequently it is true that Peter was at fault: and Paul blamed him in very truth and not with pretense. Peter, however, did not sin, by observing the legal ceremonial for the time being; because this was lawful for him who was a converted Jew. But he did sin by excessive minuteness in the observance of the legal rites lest he should scandalize the Jews, the result being that he gave scandal to the Gentiles.

Reply Obj. 3. Some have held that this prohibition of the apostles is not to be taken literally, but spiritually: namely, that the prohibition of blood signifies the prohibition of murder; the prohibition of things strangled, that of violence and rapine; the prohibition of things offered to

idols, that of idolatry; while fornication is forbidden as being evil in itself: which opinion they gathered from certain glosses, which expound these prohibitions in a mystical sense.—Since, however, murder and rapine were held to be unlawful even by the Gentiles, there would have been no need to give this special commandment to those who were converted to Christ from heathendom. Hence others maintain that those foods were forbidden literally, not to prevent the observance of legal ceremonies, but in order to prevent gluttony. Thus Jerome says on Ezech. 44:31 (*The priest shall not eat of anything that is dead*): *He condemns those priests who from gluttony did not keep these precepts.*

But since certain foods are more delicate than these and more conducive to gluttony, there seems no reason why these should have been forbidden more than the others.

We must therefore follow the third opinion, and hold that these foods were forbidden literally, not with the purpose of enforcing compliance with the legal ceremonies, but in order to further the union of Gentiles and Jews living side by side. Because blood and things strangled were loathsome to the Jews by ancient custom; while the Jews might have suspected the Gentiles of relapse into idolatry if the latter had partaken of things offered to idols. Hence these things were prohibited for the time being, during which the Gentiles and Jews were to become united together. But as time went on, with the lapse of the cause, the effect lapsed also, when the truth of the Gospel teaching was divulged, wherein Our Lord taught that *not that which entereth into the mouth defileth a man* (Matth. 15:11); and that *nothing is to be rejected that is received with thanksgiving* (1 Tim. 4:4).—With regard to fornication a special prohibition was made, because the Gentiles did not hold it to be sinful.⁴

Marsilius of Padua [1275-1342]

(A modern translation is provided in a footnotes but be aware that the reference to the letters of Jerome and Augustine should be XL and LXXXII and not “xi” and “xiii.” Both XI and XIII are letters written not to Jerome but to Nebridius concerning the incarnation (XI) and the vehicle of the soul (XIII); neither having anything to do with Jewish ceremonies. This appears to be a translational or transcriptional error. Also, the original English footnote #414 is left for the reader’s observation.)

Moreouer of these aforesayd thynges it is euydent: that chrysten men are not⁵ bounde to obserue and kepe all thyng{is}, which in the olde lawe or testament were counsayled or cōmaunded to the people of the Iewes to be kepte. But the obseruacyon of certayne thynges whiche cōmaunded to the Iewes / is vtterly forbydden chrysten men (as for example the seremonyes) vnder payne of eternall perdycyon / as the apostle teacheth in the. iii. and. vii. chapytres to the Romaines / in the seconde and. v. to the Galathianes, and in the seconde to the Ephesyanes / and in the. vii. and. x.

⁴ Aquinas, *Summa*, I-II q.103 a.4 resp.

⁵ Not all y^e precept{is} of y^e olde lawe ar to be obserued.

chapitres to the Hebrues. To whose mynde saynt Ierome & saynt Augustyne agreynge, say in theyr epystles sent from the one of them to the other the. xi. and the. xiii. concordynge eche with other / that the obseruers of suche ceremonies, outhr truely or faynedly, after the publysshynge of the lawe of the gospel, shal be cast downe in to y^e dōgyon of y^e deuyll.⁶

John Calvin [1509-1564]

Though Stephen had respect vnto a farther thing in this place: for he doeth not onely speake of the bare commaundementes, but comprehendeth all Moses his doctrine, wherein the free promises are included, and so consequently Christ himselfe, who is the onely life and health of men. We must remember with what men Stephen had to doe. They were such as were preposterously zelous of the law, who stayed onely in the dead and deadly letter of the Lawe: and in the meane season they raged against Stephen, because he sought Christ in the Law, who is in deede the soule thereof. Therefore by touching th^e eruerse ignorance glancingly, he giueth them to vnderstande, that there is some greater and some more excellent thing hidden in the Lawe, than they haue hitherto knowne. For as they were carnall, & content with an outward shew, they sought no spiritual thing in it, yea they would not so much as suffer the same to be shewed them.⁷

John Smith [1563-1616]

Now at the death of Christ this same veile was rent in twaine from the top to the bottome; whereof there be diuers Reasons: First, *That an entrance might be made into heaven by his death;...*

Secondly, it was to shew that *the Ceremoniall Law was abrogated by the death of Christ; The*

⁶ Marsilius of Padua, *The Defence of Peace: Lately Translated out of Laten in to Englysshe. with the Kynges Moste Gracyous Priuilege* (London: Prynted by me Robert wyer, for wyllyam marshall, 1535), 72. – Modernized English version: “Moreover of these aforesaid things it is evident: that Christian men are not bound to observe and keep all things, which in the old law or testament were counseled or commanded to the people of the Jews to be kept. But the observation of certain things which commanded to the Jews / is utterly forbidden Christian men (as for example the ceremonies) under pain of eternal perdition / as the apostle teaches in the third and seventh chapters to the Romans / in the second and fifth to the Galatians, and in the second to the Ephesians / and in the seventh and 10 chapters to the Hebrews. To whose mind St. Jerome and St. Augustine agreeing, say in their epistle sent from the one of them to the other the. xi. and the. xiii. [should be XL and LXXXII] concurring [conversing] each with the other / that the observers of such ceremonies, either truly or faynedly [falsely/deceitfully to secure good], after the publishing of the law of the gospel, shall be cast down into the dungeon of the devil.” -- The word *fainly* (“fainedly”) which is believed by this author to be the original intent of the English translator, has the primary meaning of *gladly*. Yet, in light of the context of Augustine and Jerome’s discussion, it seems the lesser associated meaning more properly applies which is *to gladly seek to secure a good or avoid an evil*. This definition accords well with Jerome’s interpretation of Paul’s actions in his exposition of Galatians and of Augustine’s rebuke of the deceitfulness of such a hermeneutic taken by Jerome. Augustine’s rebuke was that such a hermeneutic erodes any true faith in any text of Scripture. For if Paul was deceitful there for the good of religion, any text of Scripture may be arbitrarily accused of the same, therefore destroying the surety of any and every text of Scripture.

⁷ John Calvin, *The Commentaries of M. John Caluin upon the Actes of the Apostles, Faithfully Translated out of Latine into English for the Great Profite of Our Countrie-Men, by Christopher Fetherstone Student in Diuinitie*, trans. Christopher Fetherstone (London: Printed by Thomas Dawson, impensis G. Bishop, 1585), 160–61.

Priests must not offer any more sacrifices, for now all the ceremonies had an end, and by his death is cancelled the handwriting that was against us; as it is, *Ephes. 2. 14, 15. He is our peace, who hath made both one, and hath broken downe the middle wall of Partition betweene us; Having abolished in his flesh the enmity, even the Law of Commandements contained in ordinances, for to make in himselfe, of twaine, one new man, so making peace;* therefore, who ever shall bring in againe any of the *Leviticall* ceremonies, either in whole or in part, he doth set up the veile that *Christ* hath taken downe: *Act. 15. 28.* the Apostle saith, *It seemeth good to the Holy Ghost and us, to lay no other burthen upon you than that which is necessary;* therefore it is a dangerous thing to bring in the *Leviticall* ceremonies againe. Saint *Ierome* saith well, Thou sayest that it is not a dangerous thing to bring in the *Leviticall* ceremonies, but I tell thee, and proclaime against thee, that that man which shall bring in these ceremonies, hee casteth himselfe head-long into the pit of hell. The Schoole-men doe distinguish the Ceremonies into three times; First, (as *Thomas Aquinas* saith) there was a time when the ceremonies were profitable, and that was before *Christ*, because they were commanded of God. Secondly, after *Christ*'s death they were dead, but not deadly till the *Gospell* was planted. And then lastly, they were both dead and deadly; and therefore it is a dangerous thing to bring in these ceremonies againe in whole or in part.⁸

William Perkins [1558-1602]

The ceremoniall law is that which prescribes rites & orders in the outward worship of God It must be cōsidered in three times. The first is time before the coming & death of *Christ*: the second, the time of publishing the *gospell* by the Apostles: the third, the time after the publishing of the *Gospell*.

In the first, it did bind the consciences of the Iewes, & the obedience of it was the true worship of God. But it did not then bind the consciences of the Gentils, for it was the partition wall betwene them and the Jewes. And it did continue to bind the Jewes till the very death and ascension of *Christ*. For then the hand writing of ordinances which was against us was nailed on the crosse & cancelled. And when *Christ* saith, that *the law and the prophets indured till John*, *Luk. 16. 16.* his meaning is not, that the ceremoniall law ended then: but that things foretold by the prophets, and obscurely prefigured by the ceremoniall law, began then more plainly to be preached and made manifest.

The second time was from the ascension of *Christ*, till about the time of the destruction of the Temple and city: in which, ceremonies ceased to bind conscience and remained indifferent.

⁸ John Smith, *An Exposition of the Creed: Or, An Explanation of the Articles of Our Christian Faith. Delivered in Many Afternoone Sermons, by That Reverend and Worthy Divine, Master Iohn Smith, Late Preacher of the Word at Clavering in Essex, and Sometime Fellow of Saint Iohns Colledge in Oxford. Now Published for the Benefit and Behoofe of All Good Christians, Together with an Exact Table of All the Chiefest Doctrines and Vses throughout the Whole Booke* (London: Imprinted by Felix Kyngston, for Robert Allot, and are to bee sold at his shop at the signe of the blacke Beare in Pauls Church-yard, 1632), 270.

Hereupon Paul circumcised Timothy: the Apostles after Christs ascension, as occasion was offered were present in the Temple, Act. 3. 1: And the councill of Hierusalem tendering the weaknesse of some beleeuers, decreed that the Church for a time should abstaine frō strangled & blood And there was good reason of this, because the Church of the Iewes was not yet sufficiently conuicted that an end was put to the ceremoniall law by the death of Christ.

In the third time, which was after the publishing of the Gospell; ceremonies of the Iewes Church became unlawfull, and so shall continue to the worlds end.⁹

Franciscus Junius [1545-1602] (A)

The judicial commands that Moses handed down are dead, that is, no longer living in such a way as to obligate; but the ceremonial commands are deadly, that is, they cannot live any longer or be observed among the living without those who observe them becoming liable to death, just as Jerome and Augustine have said in their letters.”¹⁰

Franciscus Junius (B)

For we say that circumcision was in that time lawful and beneficial; at this time, deadly, if anyone employs it; but in a certain middle time it was dead, and not yet deadly. To be sure, in that middle time it was proper for those legal ceremonies to be carried to the grave with a certain honor (to use the words of Cyprian and Augustine). For in Letter 82, Augustine, writing to Jerome, clearly demonstrated that three times must be distinguished in ceremonies: First, the time before the suffering of Christ, in which legal ceremonies were neither deadly nor dead, but ordained for the life of the pious; second, the time after the gospel was published publicly, at which time those legal ceremonies must be considered either as dead or even deadly, especially those that pertain to prefiguring the fulfillment and truth in Christ; finally, third, and intermediate time that extended from the passion of Christ to the promulgation of the gospel. In this time there were certain dead legal ceremonies, because they neither had any power, nor held anyone to the observance of them, but yet they were not immediately deadly, because according to the reason of human beings at the time they were disguised by the divine wisdom. For any of the Jews who were going over to Christ could lawfully observe those legal ceremonies among their own people, provided that they did not place their hope in them and did not judge them to be necessary for salvation as if faith in Christ could not justify a person without the legal ceremonies. However, any of the Gentiles who are led to Christ were not bound by any reason to observe the ceremonies, but were to use the liberty that Christ secured for his elect by his own blood, and that for edification and not destruction, in the same way that all middle or in different things must be employed by pious and prudent men. For by this rationale, Paul circumcised Timothy so that he might edify. But Paul did not circumcise Titus at all (Gal. 2[:3]), so that he would not demolish more by this deed that he would edify. So, in the first period circumcision

⁹ Perkins, *Discourse of Conscience*, 20-22.

¹⁰ Junius, *Mosaic Polity*, thesis 31.

was a living sacrament. In the second period it was a body dying off, and then, shortly thereafter, a dead body. Finally, in the third period, in which we dwell, it is a rotting and deadly body because that which was simply dead in principle, by the progress of time in which the teaching of the gospel began to grow stronger, became deadly. And, indeed, in that second time it was honorably carried out for burial as a dead body, or, as it was dying, it was comfortably cared for. But now it remains forever embalmed and buried, lest, if it were exhumed, it would breathe out a deadly evil in the church of Christ. Augustine says:

for, when the faith had, that was foretold earlier by those observances and was revealed after the death and resurrection of the Lord, they lost the life, as it were, of their function. And yet, like dead bodies of parents, they had to be carried as if to their burial, not as a pretense, but with respect, but were not to be immediately abandoned or thrown to the abuse of their enemies, as if to the teeth of dogs. Hence, any Christian of the present time, even though formally a Jew, who wants to observe them in a like manner, as if disturbing ashes already at rest, will not be devoutly accompanying or carrying the body, but wickedly violating its burial.¹¹

Synopsis of a Purer Theology [Disputations between 1620-1624]: Thysius and Polyander

Antonius Thysius [1565-1640]

Therefore in the New Testament, although the Jewish Sabbath along with the law of other commandments comprising rituals was abolished in the body of Christ and his crucifixion (Ephesians 2; Colossians 2), nevertheless the apostles, in conversing with the Jews, for a period of time maintained “the Sabbath- day,” along with the other elements of the Law – not out of necessity, but out of Christian liberty, economy, and a steadfast resolution not to be a cause for scandal among those who were weak. They practiced it with the Jews, but not in a Jewish manner, and they conducted solemn assemblies (Acts 13:14, 44; 16:13; 17:2; 18:4), obviously so that, as the ancients say, “the synagogue might be buried with due respect.”¹²

Johannes Polyander [1568-1646]

Regarding this law the axiomatic statement is true: “The ceremonial law is dead, and if it is returned to its former privileged status, it would be deadly.”¹³

Thomas Barnes [Published 1623]

Thirdly, the *ceremoniall Law (which treateth of rites and ceremonies enioyned in the Old Testament, to be obserued about the outward worship of God)* is to bee reduced to three distinct times, according to which times, three rules may bee giuen to shew how farre forth *conscience* is subject to that.

¹¹ Ibid., thesis 38. "Augustine's quotation is cited as, “Augustine, *Letters 1-99*, Letter 82, 2.16 (P. 323).”

¹² Thysius, *SPT*, vol. 1, Disp. 21.50.

¹³ Polyander, *SPT*, vol. 1, Disp. 18.47.

[Rule. 1] The first rule is this. *Before the death of Christ, the ceremonial law did binde the consciences of the Jewes, and the Jewes onely, not of the Gentiles.* For betwixt Jewes and Gentiles, there was a wall of separation.

[Rule. 2] The second this. *From the death of Christ, to the overthrow of the Jewish government, the ceremonial law lost the force of binding, and became an indifferent thing, either to be used or not to be used.* Hence it was that *Paul circumcised Timothy*, but would not circumcise *Titus*. And the *councill* at Jerusalem, decreed that the Church should abstaine for a time from things strangled, and from blood; the cause of which decree was the *weakenesse* of some who of Jewes were made Christians. As yet they did not fully understand the libertie of the new *Testament*, therefore for their weaknesse sake, it was granted that they might use some Jewish ceremonies for a time.

[Rule. 3] But thirdly, *after the euersion of the Jewish government, and the promulgation of the Gospell, more largely and cleerely the ceremonial law altogether ceased.* For from that time, the *libertie of Christians* and freedome from Iewish ceremonies, was so conspicuous that none of the godly could alleadge their ignorance heerein. Wherefore very well say the *Schooles*,^[*] *Ceremoniall lawes are now dead and deadly.* Thus we see the nature of the *lawes*, authority ouer the conscience.¹⁴

Edward Kellet [1628]

Whereas the first Quaere is, Whither Iewes and Gentiles, were equally bound, to abandon Circumcision; I distinguish, that the Iewes were of two sortes, the first, Obsolete vnbeleuours, who had no part in Christ, and of those, the quaestion is not vnderstood: the second sort, were Iewes, yet Disciples, party-coloured Christians, and those mens case, varied from the Gentiles. For, though it had been their safest way, to haue renounced *Circumcision*, after they were initiated into Christ, yet these men might haue kept vp Circumcision, which was wholly forbid vnto the Gentiles. Indeed at any time, after Christ's death, if the Iewes had vsed Circumcision, as thinking it absolutely necessarie to saluation, they had sinned. For it was a type of Christ, and in effect, they had denied Christ to be the Messias, who so trusted in Circumcision: yet in other respects, it was, it might be in long vse after S. *Hierom* did well maintaine, that the Ceremonials were neither *mortna*, nor *mortifera*, till Christ's Passion, but hee erred in saying, that they might not be vsed, without sinne, after Christ's Death. S. *Augustine* more conueniently tripartites the time: first, Whil'st Christ liued (saith he) the Ceremonials were in force: secondly, Betweene Christ's Death, and the Publication of the Gospell the Ceremonials were dead, as hauing no

¹⁴ Thomas Barnes, *The Court of Conscience: Or, Iosephs Brethrens Iudgement Barre.* By Thomas Barnes (London: Printed by Iohn Davyson for Nathanael Newbery, and are to be sold at the Star under St. Peters Church in Corne-hill and Popes-head Alley, 1623), 74–76.

vertue in them, & none were bound to keepe them: yet were they not wholly vnlawfull: thirdly, after the Preaching of the Gospell, they were both dead, and deadly, vnprofitable in themselues, and sinnefull to others, in their vse. Yet euen this last Position, is not sound, vnlesse we stretch it, to a large latepatencie For the faith of the Romans, was spoken-of, throughout the whole world, *Rom.* 1.8. And, the Gospell was in all the world, *Coloss.* 1.6. And the Apostles had in their perfectest Counsaile at *Hierusalem*, determined against the Ceremonials, *Act.* 15.10.—Yet after this, *S. Paul* did Circumcise *Timothie*, *Act.* 16.3. and shaued his head at *Cenchrea*, *Act.* 18.18. And the Ceremonials might lawfully be practized euen after this, vpon two especiall reasons: first, because they were not *buried*, though they were *dead*. For, if not only Princes, but Noble-men, yea very meane persons sometimes, after they haue expired, be kept aboue ground, that they may bee more honorably, and solemnly interred, then why not *Moses*? Why not his Law, which being so full of Ceremonies, was not to want that ordinarie, great and last Ceremonie of a prolonged, stately, Princely, buriall? If any one be so curious, as to search, What day, what howre the Funeralls were ended, and exactly, when it was first a sinne, for the Iewish-Christians, to bee Circumcised? I will answer, that as the Lord buried *Moses*, and no man knoweth of his Sepulcher, vnto this day, *Deuter.* 34.6. so perhaps it was a prognostick, that no man should know that Article of time, when the Ceremonies were so accomplishedly interred, that the vse of them, should begin to be sinnefull. ¹ yet this shall not hinder me from shewing my guesse, and priuate opinion, That the Mosaicall Ceremonies were buried in the ruines of the Temple, or rather in the dispersion, vnder *Adrian*, as will probably arise from the next reason. The second reason, why after Christ's death, yea, after the manifestation of the Gospell, the Ceremonials were not quite abolished, but permitted, is drawne from the scandall of the weake Brethren, in whose behalfe, and for whose saluation, these things were lawfully put in vre, which otherwise had beene vnlawfull. For, though we neede not yeeld any thing, when there is an obdurate passieue scandall; called *Scandalum Iudaeorum*, or *Pharisaeorum*, because, they were offended with Christ's wholsome Doctrine, *Matt.* 15.12. and with the miraculous raising of *Lazarus*, *Iohn* 11.47. and at his wisdome and mighty workes, *Matt.* 13.57. but we are to follow Christ, who did not many mighty workes there, *Matt.* 13.58. and went thence, *Ioh.* 11.54. and only of them, *Sinite illos, caeci duces sunt caecorum.* *Matt.* 15.14. and yet continued doing of good elsewhere, *Mark.* 6.6. The Prophet *Isaiah* 57.14. saith, *Not only, lay no stumbling block; but if others lay it, Take vp the stumbling-blocke; not to let it fall againe; but take it out of the way of my people.* And 1. *Thessal.* 5.22. Abstaine from all appearance of sinne: that is, though thou sinnest not, yet auoyd scandall, since there needed no abstaining, from the appearance of euill, if none would take offence at it. In this case *S. Paul* saith, *I would eat no flesh, while the world standeth, least I make my brother to offend.* Yea, if the feeble Disciples, be offended, with our omission of things indifferent, we are, no longer, to omit them. Many thousand Iewes, were turned Christians, who were zealous for *Moses* his Law, *Act.* 21.20. who were scandalized by *S. Paul*, as if he had taught all the Iewes, among the Gentiles, to forsake *Moses*, saying, *that they ought not to circumcise their children.* *S. James* the Bishop of *Hierusalem*, and his Presbiters, perswaded *S. Paul*, to remooue this scandall, and to purifie himselfe, with others, after the manner of the

Iewes: yet were the Ceremonials, now, dead, and S. *Paul* had truly preach't against them. For all this because this doctrine, was scandalous at *Hierusalem*, where were more Iewes, then in any City of the world, S. *Paul* did purifie himselfe: And for the same respect, because of the Iewes, which were in those quarters, did Circumcise *Timothy*, *Act.* 16.3. For, *Timothy* his father being a Greeke, and his mother a Iewesse, *Circumcision*, or *Vncircumcision*, was Indifferent: but to establish the weake, and remooue scandall, did the great Impugner of the *Mosaical* rites, not omit that indifferent Circumcision. Yea, to take away this stone of offence, Circumcision was retained, a long time, in the Citie of *Hierusalem*, and *fifteene Christian Bishops of Hierusalem were all successiuelly of the Circumcision*. And the first Christian Bishop of *Hierusalem*, that was a Gentile, was one *Marcus*, in the Reigne of *Adrian*, after the ouerthrow, both of the Temple, and of the Citie whose name *Hierusalem* was changed into *Aelia*. So saith *Nicephorus* 3.25. and *Sulpitius Seuerus lib. 2. Histor.* though *Baronius* doth nibble at it, *ad Annum Christi* 138. In these two cases onely, *Circumcision* might without offence, be kept on foote, by the beleeuing Iewes, euen after the promulgation of the Gospell: though they may praetend a third reason, for the continuation of it, from the words of God, *Gen.* 17.13. *My Couenant shal bein your flesh for an euerlasting conenant*; yet they are to know, that 〈 in non-Latin alphabet 〉 *Olano*, importeth not, an absolute, but a respectiue euerlastingnesse: as a Ward, is for euer a Ward, vntill the time appointed of the father, *Gal.* 4.2. which euerlastingnesse is not vnlimited, but bounded; not simple, but referentiall: so circumcison being but a Type, was to last only, to a Typicall, paedagogicall, periodicall, euerlastingnesse, that is till the substance should come. *Deuter.* 15.17. *He shal be thy seruant for euer*; yet in the Chambers of Death, the seruant is free from his master, *Iob.* 3.19. and nor master, nor seruant, can liue for euer. *Aeternum sumitur pro saeculo, quod habet finem, sed non determinatū nobis*, saith *aquinas*. Thus much be spoken, concerning the Iewish Christians, and the reasons, why Circumcision was allowed vnto them. Now concerning the Christian-Gentile, hee was not permitted in any case to be Circumcised, no, though hee were at *Hierusalem*, among the faouurers of Circumcision, as appeareth by the example of *Titus*, *Gal.* 2.3. The Apostles in their Councell, reckon among other things, Circumcision, as a trouble to the Gentiles, *Act.* 15.19. and in their missiues, *Act.* 15.28. they account it *a burden*. S. *Paul* calleth it *an entanglement, a yoke, a bondage*, in the verse immediatly before my Text; *And I testifie againe, vnto euery man, that is circumcised, that hee is debtor, to doe the whole Law*; immediatly after my Text: a poore debtor, wrap't in Bands, worse then the Bonds of Vsurers; in Bonds forfeited, and impossible to be satisfied; for no meere man euer kept the whole Law. Now, least that presumptuous credulitie might cosen it selfe, in hoping that Christ, would be their Mediator, that he had satisfied the whole Law for them, and would pay their debt and blot out the *Hand-writing of Ordinances, which was against them, and contrarie vnto them, and take it out of the way, and nayle it vnto his Crosse*. S. *Paul*, with more then common earnestnesse, and holy feruencie, protesteth, *Behold, I Paul say vnto you, that if you, you Galatians, bee Circumcised, Christ shall profit you nothing.*¹⁵

¹⁵ Edward Kellet, *A Returne from Argier A Sermon Preached at Minhead in the County of Somerset the 16.*

Thomas Hill [died 1653]

Thomas Hill made the following comment in a sermon preached on July 27, 1642 to the House of Commons the year before the Westminster Assembly formally gathered.

*Popery compounds unwritten Traditions most presumptuously with Holy Scripture; yea it rakes up Heathenish customes, revives old Jewish Ceremonies which are now mortuae & mortiferae dead and deadly, compounding them with the institutions of Christ.*¹⁶

Edward Willan [Published 1651]

The Ceremoniall Law before the Incarnation of Christ was *neither dead nor deadly*; But after the Crucifixion of Christ, and Promulgation of the Gospell, it was *both dead and deadly*. And *betwixt both it was dead, but not deadly*. The Baptist was *Precursor Christi*, the forerunner of Christ to make way for his Gospell. And the law of Ceremonies was alive in Strength till *John the Baptist*, but with his Preaching of the Gospell it began to dy. Yea dead it was when *Christ* was once *Baptized of John in Jordan*. Dead it was *quoad necessitatem*, in respect of any necessary observance of it, yet *propter vinculum Charitatis & quoad Convenientiam*, to avoyd offence and Scandall, and for Conveniency sake, it was not presently cast out, nor did the Apostles deeme the observation of it to be deadly, but for Charity sake they sought an *honourable Buriall* for it, which could not be on the suddaine; yet was it dead unto *Saint Paul*, and he to that. It was not the *Law of Moses*, but the *Law of Faith*, that now was the *Tutour* of his life; It was not *Moses the Servant of God*, but *Christ the sonne of God* that lived in him. *I live, yet not I, non ego qualis fui sub lege*, not I, such as I was under the Law. *But Christ now liveth in me, habitans in me per gratiam Vivificantem*, dwelling in me by his quickning grace. So that the life which I now live is by the grace of Christ.

It was neither a *Ceremoniall*, nor yet meerey a *Morall life* which the Apostle lived, but an *Evangelicall*, and this finished his Ceremoniall, and furthered his Morall. By Christs living in him, he did not meane the Person of Christ, but his power in him. Christs living in us saith *S. Chrysostome* is his working in us, and his ruling over us, and over-ruling of us, to make us mend our Moralls according to the way and purpose of the Gospell. For the Gospell does not utterly destroy the Morall law, nor make it absolutely voyd. *Thinke not that I am come to destroy the law or the Prophets; I came not to destroy, saith Christ, but to fulfill, Math. 5. 17. Doe we then make voyd the law through faith? saith our Apostle, God forbid, ye we establish the law*. Indeed they that are in Christ, and have Christ living in them, are *not under the law but under Grace*. But how? Not under the law to seeke for justification by it, but yet they are under it

of March, 1627. at the Re-Admission of a Relapsed Christian into Our Church. By Edward Kellet Doctor of Diuinity (London: Printed by T[homas] H[arper] for J[ohn] P[arker] and are to be sold by Richard Thrale, dwelling in Pauls Church-yard at the signe of the Crosse-Keyes, 1628), 5–10.

¹⁶ Thomas Hill, *The Trade of Truth Advanced. In a Sermon Preached to the Honourable House of Commons, at Their Solemne Fast, Iuly 27. 1642. By Thomas Hill, B.D. Pastor of the Church at Tychmersh in the Countie of Northampton. Published by Order of That House* (London: Printed by I. L. for John Bellamie, Philemon Stephens, and Ralph Smith, 1642), 6.

to increase their sanctification by it. They are not under the Curse of the law to Condemnation, but under the Course of the law they are for Commendation. Not under the Rigor of it, but under the Rule of it. And he can never be a true disciple of Christ that will not be ruled by it.¹⁷

Henry Hibbert [1601/2-1678]

Lex Ceremonialis.

Lex occultum Evangelium, Evangelium revelata lex.

The Ceremonial law was the Jewes Gospel, for it was Christ in figure; and to him it led them...The Ceremonial law did obscruely and imperfectly represent Christ to the old Church, and is now abolished by his coming in the flesh...All things have their time, the Ceremonial law had her time; and the Gospel hath his time. We our selves have but our time, some threescore years and ten, and then we are gone.

When the Sun is behind, the shadow is before; when the Sun is before, the shadow is behind. So was it in Christ to them of old, this Sun was behind, and therefore the Law or shadow was before. To us under the Gospel, the Sun is before, and so now the Ceremonies of the Law those shadows) are behind, yea vanished away. Before the Passion of Christ (wherein they all determined) the Ceremonies of the Law were neither dead nor deadly; after the Passion, till such time as the Gospel was preached up and down by the Apostles, though dead, yet (for the time) they were not deadly. But since that they are not only dead, but deadly to them that use them, as the Jewes to this day.¹⁸

James Durham [1622-1658]

“(2) The judicial law is for regulating outward society, and for government, and generally (excepting what was peculiar to the people of Israel) agrees with the moral law. This as given to them, is not perpetual, their policy being at an end. (3) The ceremonial law is in ceremonies, types and shadows, pointing at a Savior to come. This is also abrogated, the substance being come. But there is this difference, that the judicial law is but *mortua*, dead; and may, where it is thought fit, with the foregoing caution, be used under the New Testament. But the ceremonial law is *mortifera*, deadly, and cannot be revived without falling from grace (Gal. 5:2,4).¹⁹

John Stileman [died 1685]

These things now duely weighed, will also shew us how to give a satisfactory answer to those *Objections* made against *Teaching signes*, and *significant Ceremonies*. For

¹⁷ Edward Willan, *Six Sermons by Edw. Willan* (London: Printed for R. Royston, and are to be sold by Edward Martin, at the Upper Halfe Moon in Norwich, 1651), 172–73.

¹⁸ Henry Hibbert, *Exercitationes Theologiae.; Syntagma Theologicum.; Exercitationes Theologiae.; Treatise Wherein Is Concisely Comprehended, the Body of Divinity* (London: Printed by E.M. for John Clark, 1662), 80.

¹⁹ Durham, *Ten Commandments*, 55–56.

1. [§. 30] For such *Ceremonies*, as were *significant of Christ to come*, and *Typicall*, they are vanished, and we acknowledge them to be *now*, & *mortua & mortifera*, both dead, and *deadly*, to use them is to *deny Christ*.

2. [§. 31] Such *Rites* as are *Sacramentall*, and are instituted by a positive Law to signifie a Covenant between God and man, or to be *Covenanting engaging signes*, these must have a Divine institution. Man can no more make a new *Sacrament*, than a new *Gospell*: and it is as unlawfull to institute a *new Sacrament*, not Ordained by God; as it is to establish a *new Article of Faith* not revealed by God.²⁰

William Lord: Bishop of St. Davids [1613-1689]

A National Profession of Christianity is no Jewish Paedagogy. It is *oppositum, in appposito*. Christs freeing us, relates to the Ceremonial, or the Moral Law. (The Judaical Law being left indifferent to be renounced, or retained) The Ceremonial or Mosaical Law is annulled (only the equity of it excepted) The Synagogue is deceased *mortua & mortifera* (St. *Austin* expresseth it) dead and deadly under the Gospel.

The Moral Law is cancelled for the sting, the curse, not the rigor, the observance. It is still a Pilot to steer, though no absolute Judge to sentence.²¹

Matthew Henry [1662-1714]

The request of James and the elders of the church at Jerusalem to Paul, or their advice rather, that he would gratify the believing Jews by showing some compliance with the ceremonial law, and appearing publicly in the temple to offer sacrifice, which was not a thing in itself sinful; for the ceremonial law, though it was by no means to be imposed upon the Gentile converts (as the false teachers would have it, and thereby endeavoured to subvert the gospel), yet it was not become unlawful as yet to those that had been bred up in the observance of it, but were far from expecting justification by it. It was dead, but not buried; dead, but not yet deadly. And, being not sinful, they thought it was a piece of prudence in Paul to conform thus far.²²

John Owen [1616-1683] (A)

There was nothing, in the first propagation of the gospel and plantation of Christian churches, that did so divide and perplex the professors of the truth, and retard the work of promulgating the knowledge of Christ, and the worship of God in him, as the difference that was about the continuation and observation of Mosaical rites and ceremonies. To such a height was this

²⁰ John Stileman, *A Peace-Offering an Earnest and Passionate Intreaty, for Peace, Unity, & Obedience* (London: Printed for Thomas Pierrepont, 1662), 296.

²¹ William Lord, *An Apology for the Church of England in Point of Separation from It by ... William Lord Bishop of St. Davids* (London: Printed for William Leach: 1679, n.d.), 101.

²² Henry, *Commentary on the Whole Bible*, 2162.

difference raised, so zealously were the parties at variance engaged in the pursuit of their various apprehensions of the mind of God in this matter, that the apostles themselves thought meet for a season rather to *umpire* and compose the controversy, by leaving the Jews free to their observation, and bringing the Gentiles unto a condescension in things of the greatest exasperation, than absolutely and precisely to determine the whole matter between them. And, indeed, this being a *difference* wherein the will, authority, and command of God were pleaded on the *mistaken* side, they being all of them clear and full as to the matter by them pleaded for, nothing but an immediate declaration of the mind of God himself, as to his removing and taking off the obligation of his own law, could put such an end unto it as that the spirits of men might acquiesce therein. Now, the will of God to this purpose before the writing of this Epistle could only be *collected* from the nature and state of things in the church upon the coming of the Messiah, and conclusions from thence, which the believing Jews were very slow in the admittance of. Add hereunto that many prophecies and promises of the Old Testament, setting forth the glory and beauty of gospel worship under the names and condition of the worship then in use, as of priests, Levites, sacrifices, offerings, feast of tabernacles, and the like, lay directly, in the letter, against that cessation of Mosaical rites which the Jews opposed.

Now, who was fit, who was able, to determine upon these *different* and various institutions of God, but God himself? To declare *positively* that all obligation from his former commands was now ceased, that his institutions were no more to be observed, that the *time* allotted unto the church's obedience unto him in their observance was expired,—this was no otherwise to be effected but by an *immediate revelation* from himself. And this is done in this Epistle, and that in this *only* as to the Jews; whereby it became the main instrument and means of pulling up their old church-state, and translating it anew into the appointments of our Lord Jesus Christ. Neither is this done by a bare *declaration* of God's *authoritative interposition*, but, in a way of excellent and *singular wisdom* and condescension (with a manifestation of God's love and care unto his church, in the institutions that were now to be removed, and the progress of his wisdom in their gradual instruction, as they were able to bear), the whole nature, design, and intendment of them are evidenced to be *such*, as that, having received their full *end* and accomplishment, they did of themselves naturally expire and *disappear*. And hereby, in that great *alteration* which God then wrought in the outward worship of his church, there is discovered such a *oneness* and unchangeableness in his love and care; such a *suitableness*, harmony, and consonancy, in the effects of his will; such an evidence of infinite wisdom in disposing of them into a subserviency one to another, that they should nowhere in any thing cross or *interfere*, and all of them to his own glory, in the promotion and furtherance of the light, faith, and obedience of his church; as sufficiently manifest the original and fountain whence it doth proceed.²³

John Owen (B)

²³ Owen, *Exposition of Hebrews*, 46–47.

THE general concernments of this *Epistle* have all of them been discussed and cleared in the preceding *Exercitations* and Discourses. The things and matters confirmed in them, we therefore here suppose, and take for granted. And they are such some of them, as without a Demonstration whereof, a genuine and perspicuous Declaration of the *Design* of the *Author*, and *sense* of the *Epistle* cannot be well founded or carried on. Unto them therefore we must remit the *Reader* who desires to peruse the ensuing Exposition with profit and advantage. But yet because the *manner of the handling* of things in those Discourses, may not be so suited unto the minds of all who would willingly enquire into the *Exposition* its self, I shall here make an entrance into it, by laying down some such General Principles and Circumstances of the *Epistle*, as may give a competent prospect into the design and Argument of the *Apostle*, in the whole thereof.

1. The first of these concerns the *Persons* whose instruction and edification in the Faith is here ayimed at: These in general were the *Hebrews*, the Posterity of *Abraham*, and the only Church of God before the promulgation of the Gospel; who in *those dayes* were distributed into three sorts, or parties.

1. Some of them *believing* in Christ through the Gospel, were perfectly instructed in the *Liberty* given them from the *Mosaical Law*, with the foundation of that Liberty in its accomplishment in the Person, Office and Work of the *Messiah*, Acts 2.41, 42.

2. Some with their *Profession of Faith* in Christ as the *Messiah* promised, retained an opinion of the *necessary observation* of *Mosaical Rites*; and these also were of two sorts.

(1.) Such as from a *pure Reverence* of their *Original Institutions*, either being not fully instructed in their *Liberty*, or by reason of prejudices not readily admitting the *consequences* of that Truth wherein they were instructed, abode in their observation, without *seeking for Righteousness* or Salvation by them. Acts 21. v. 20.

(2.) Such as *urged their observation* as indispensably necessary to our *Justification* before God, Acts 15.1. Gal. 3.4. The *first* sort of those the Apostles bare with in all *meekness*; yea, and using the *Liberty* given them of the Lord, to avoid offending of them, joyned with them in their *practice* as occasion did require, Acts 16.3. Chap. 21.23, 24, 26. Chap. 27.9. 1 Cor. 9.20. whence for a long season, in many places, the *Worship of the Gospel*, and *Synagogue Worship* of the Law were observed together, James 2.2. though in process of time, many *disputes* and differences were occasioned thereby, between the *Gentile* and *Jewish* Worshippers, Rom. 14. The other *sort* they opposed, as *perverters* of the Gospel which they pretended to profess, Acts 15.5. Gal. 2.13, 14, 15, 16. Chap. 4.9, 10, 11. Chap. 5.2. And of these some afterwards *apostatized* to *Judaism*; others abiding in a corrupt mixture of both professions separated themselves from the Church, and were called *Nazarenes* and *Ebionites*.

3. Others, *far the greatest number* of the whole people, persisted in their *Old Church-State*, not receiving the salvation that was tendered unto them in the preaching of the Gospel; and these also were of *two* sorts: (1.) Such as who although they had not embraced the *faith*, yet were *free*

and willing to attend unto the Doctrine of it, *searching the Scriptures* for a discovery of its *Truth*, and in the mean time *instantly serving God*, according to the Light of the Old Testament, which they had received: and in these was the essence of the *Judaical Church* preserved to its final dissolution, *Acts 17.11. Chap. 28.22, 23, 24. (2.)* Such as being *hardned* in their Infidelity, *blasphemed*, scoffed at, and persecuted the Gospel, with all that professed it, *Acts 13.45, 50. Chap. 15.19. Chap. 17.5. 1. Thess. 2.15, 16. Rom. 11.7, 8, 9, 10.* whom not long after the *vengeance* of God overtook in their total destruction.²⁴

Francis Turretin [1623-1687]

“Hence three times (*tempora*) of the ceremonies must be accurately distinguished: first, in which they are alive; second, in which they are dead; third, in which they are deadly. The first, with regard to the divine institution, in which/way they were not only lawful, but useful and necessary under the Old Testament. In this sense, circumcision is spoken of as a seal of the righteousness of faith (Rom. 4:11), and a great value is ascribed to it (Rom. 3:2), which can be applied to the other ceremonies from parity of reasoning. The second, with regard to the accommodation (*synkatabaseos*) and human tolerance, in which manner (now abrogated according to right by the death of Christ), they have become dead and in different. Nevertheless they could still sometimes be observed for the benefit of weak Jews, provided it was done from love only and not from necessity. The third, with respect to the abuses of the Jews and false apostles by whom they were pressed under the gospel as necessary to salvation (with the idea of merit), in which manner they were made pernicious and destructive. As to the first, they are observed as necessary according to the command of God. As to the second, they are suppressed is nothing and in different (1 Cor. 7:19; Rom. 14:3, 4). As to the third, they are condemned as deadly and noxious (Gal. 5:4). The first extends from the sanction of the law even to the time of correction (*diorthoseos*) and the death of Christ; the second from the death of Christ even to the full manifestation of the gospel and of Christian liberty; the third from the promulgation of the gospel and the destruction of the temple unto the end of the world.”²⁵

Westminster Assembly Members and Affiliates:

Anthony Burgess [NA-1664]

“If the Ceremoniall Law, the Sacraments and Sacrifices were blessed by Gods Spirit, while they were commanded to be used for the strengthening and increase of grace, notwithstanding the deadly nature of them now; then the Morall Law may also be blessed by God for spirituall effects, seeing it standeth still in force.”²⁶

Thomas Case [1598-1682]

²⁴ Owen, *Exercitations on the Epistle to the Hebrews*, 318.

²⁵ Turretin, *Institutes*, vol. 2, eleventh through seventeenth Topics, 11.25.10.

²⁶ Burgess, *VL*, 201.

*Notice how Thomas Case applies the same maxim to Christian ordinances, even moral ones, which are done apart from holiness:

It is holinesse which constitutes the Christian, as it is the soul which constitutes the man, who without it is a dead carcasse, hand, foot, heart, move not; neither can the eye see, eare hear, or tongue speak without the enlivening soul; so is the Professor a carcasse or shadow without holinesse; all his works *dead works*; his prayers dead, praises dead; yea, his faith, hope, repentance without holinesse (*mortua, & mortifera*) all dead and deadly.²⁷

Daniel Featley [1582-1645]

If it looke farther forward to the destruction of the City and Temple, and the overthrow of the whole Jewish Nation, as Theophylact and Musculus imagine, expounding *Till hee bring forth judgement unto victory*, till he execute judgement upon them that judged him, and fully be revenged of them by the sword of the Romans; then the meaning of the whole is, *Hee shall not breake the bruised reed* of the Jewish Nation, till by the victory of the Romans he shall execute judgement upon that Nation; nor shall he *quench the smoaking flaxe* of the Aaronicall Priesthood, till forty yeeres after his death the City of Jerusalem shall bee sacked, and the Temple burned downe to the ground, and by the propagation of the Gospel, and prevailing thereof in all places, the dimme light of the Ceremoniall Law be quite extinguished.

(Later in the treatise,)

And will they not yet learne that Mosaicall rites and ceremonies were at severall times

- 1. Mortales or moriturae,
- 2. Mortuae,
- 3. Mortiferae? They were mortales at their first constitution, mortuae, that is, dead, at Christs death, and now mortiferae, deadly, to all that observe them. Will they put off the long white robes washed in the bloud of the Lambe, and shrowd themselves with the old rags, or, as St. Paul termeth them, beggarly rudiments of the Law? If they are so minded, I leave them, and fill up this Border with the words of Saint[t] Leo, The ancient rite is taken away by a new Sacrament, one host passeth into another, bloud excludeth bloud, and the Legall festivity is fulfilled, in that it is changed.²⁸

William Gouge [1575-1653] (A)

²⁷ Thomas Case, *The Morning Exercise Methodized; or Certain Chief Heads and Points of the Christian Religion Opened and Improved in Divers Sermons, by Several Ministers of the City of London, in the Monthly Course of the Morning Exercise at Giles in the Fields. May 1659* (London: Printed by E. M. for Ralph Smith, at the sign of the Bible in Cornhil, near the Royal Exchange, 1660), 562.

²⁸ Featley, *Clavis mystica*, 42, 411-12.

“The Jews that lived after the truth of the Mosaicall Types was exhibited, were notwithstanding, so superstitiously and pertinaciously addicted to those legall rites, as they would not endure to hear of the abrogation of them: but in maintenance of them, rejected the Gospel. Yea of those that beleaved in Christ, many thousands were too zealous of the Law, Acts 15. 5, and 21. 20. Wherefore to root out that conceit, the Apostle writes this Epistle: whereby he proves, that by bringing in the new Testament of the Gospel, the old Covenant of the Law was abrogated; and that the Law could not make perfect, Chap. 8, and 9, and 10.”²⁹

William Gouge (B)

“This may inform us in Gods goodnesse, who hath taken from his Church that terrible and deadly Law. He brought his people to it at first to keep them in awe, to make them more long for liberty, and to make it more welcome to them, and to move them more readily and thankfully to embrace and entertaine it. But when he had long enough tutored his Church under that Discipline, he sent his Son who tooke it away. Let us be admonished to take notice of those ends which God aimed at in his legall discipline, and to walk worthy of that liberty that is brought to us.”³⁰

William Gouge (C)

“This demonstrateth the great danger and damage of reviving Jewish ceremonies. They are not only idle and unprofitable, but mischievous and deadly: they do not only no good, but are unutterably hurtfull. They deprive such, as trust unto them, of the most rich and precious jewel that ever the world had. What the Apostle said of circumcision, may be applyed to all legal types and rites, *If ye be circumcised, Christ shall profit you nothing*, Gal. 5. 2. Can a Christian think it a small dammage to have Christ made unprofitable and of no use unto him? Well may this inference be made, *he taketh away the first, that he may establish the second*. Christs sacrifice cannot be established unlesse they be abrogated. Christs sacrifice was not added to those former, as if they standing could confer any help to Christ: but when Christ was to be established, they were taken away.”³¹

Edward Leigh [1602-1671]

“Christ speaking of those daies when all the ceremonial Law was dead and buried, sheweth the Sabbath stands still, Matth. 24. 20.”³²

William Twisse [1577/8-1646]

²⁹ Gouge, *Hebrews*, p. 6.

³⁰ *Ibid.*, 12:18-21, Sect. 98, p. 330.

³¹ *Ibid.*, 10:9, Sect. 25, p. 441.

³² Leigh, *Body of Divinity*, 821.

“the Elements hee speakes of were but shaddowes the body whereof is Christ, and now Christ is revealed, they were wont to bee called not onely *Mortua* but *mortifera*.³³

Richard Vines [1599/1600-1656]

And these outward ordinances of worship were never intended to continue for ever, as you interpret the word *ever*; for your *ever* hath sometimes an indefinite time, therefore called *ever*; as the *Exod. 21. 6.* and *Deut. 15. thy servant for ever, viz. till the Jubile:* but all your typical ordinances had their date and period. God intended to shake them down; that remaining things, the everlasting Gospel might take place, which cannot be shaken, nor are to be removed, *Heb. 12. 27.* Its said, *Heb. 9. 9.* those outward and carnal ordinances were imposed till the time of reformation or correction, and so long they had an excellent end, and use; but even then the circumcision of the flesh was but, as *Philo* saith, a symbol of circumcision of spirit: and as the Apostle saith of your manna and rock, it was but Christ; and so of your outward worship; the shell is valued for the kernel, the bone for the marrow, while the kernel and marrow is in them; and now these typical symbols, though they be *mortua & mortifera*, as to their use, dead and deadly; yet they are the word of God, and may and do teach very much Gospel; as the anatomie of a dead man teaches how the parts lie in a living man; yet they continue not of further use to you: and it may easily appear, that God did intend to draw off this outwardness of worship, by his taking off, as you account, fine things in the second temple, which were found in the first, and the Scripture promising a greater glory in the second temple than of the first, cannot be understood otherwaies, then that the outward glory was exchanged and recompenced by spiritual glory through Christ, *Hag: 2. 9.* & consequently, that the carnal & outward should passe into spiritual glory, which was both manifest, when both the temple, the seat of this outward service, was demolished, and the law the dignity of your nation led and shewn in triumph by the Roman Conqueror.³⁴

John Wallis [1616-1703]

“But I answer further. The Jews who were not Christians, did yet continue to observe the Jewish Sabbath as a matter of duty. And there was no reason why they should not. For, while they did not acknowledge our *Christ* to be the *Messiah*, nor the *Mosaick* Law to be at an end, but Circumcision and the Jewish Oeconomy yet in force, there was no reason why they should not think themselves obliged to the Jewish Sabbath. And many of the *Christian* Jews, who were not yet satisfied of the Abolition of the *Mosaick* Law, did comply with them therein. For knowing this to have been a law once, and not yet being fully satisfied that it was expired, they were content still to observe it. (And if our Gentleman be of that mind, I would not hinder him, if a

³³ Twisse, *Christian Sabbath Defended*, 130.

³⁴ Richard Vines, *Gods Drawing, and Mans Coming to Christ Discovered in 32 Sermons on John 6. 44 : With the Difference between a True Inward Christian, and the Outward Formalist, in Three Sermons on Rom. 2. 28, 29 / by ... Richard Vines* (London: A. Roper, at the Sun against St. Dunstons Church in Fleet-street, 1662), 323–24.

Jew, from so doing; but neither would I encourage him.) And I find the Apostles willing to connive at it, and even to countenance it. Not as a thing *necessary*, but at least allowable.

And though they did not think fit to bring a *new Yoke* upon the *Gentiles*, who had not before been obliged to the Jewish Law, (and therefore would not allow the *Gentiles* to be *Circumcised*; as appears by S. *Paul's* Epistle to the *Galatians*, and the Decrees of the Synod at *Ierusalem*, Act. 15.) yet he allowed the *Jews* to practise it (to whom it had once been a Law) and accordingly *Circumcised Timothy* Act. 16. because, though his Father were a Greek, yet his Mother was a Jew: (but he did not Circumcise *Titus*, *Gal.* 2. 3. for whom there was not the same reason.)

And he did himself comply with the *Jewish* ceremonies; As Act. 18. 18. *Having shorn his head in Canchrea; For he had a vow.* And those of *Purification* Act. 21. Not that he thought those Laws now obliging; but, because many of the *believing Jews* were yet *zealous of the Law*, and thought themselves obliged by it, he would not *give offense to them*. For he was satisfied as to himself, that *Circumcision availeth nothing, nor Uncircumcision*, 1 Cor. 7. 19. Gal. 6. 15. But was content (till by time and further instruction they should be better satisfied) that each one should be gratified, as to their own practise, according to their own sentiments, as to things yet disputable.

And accordingly, as to *eating* or *not eating* things forbidden by *Moses's* Law, his advise was, to the *Romans*, (many of whom were Jews) *Rom.* 14. 17. *Let not him that eateth not, judge him that eateth*, (as breaking a Law which he thinks to be yet in force,) *nor let him that eateth, despise him that eateth not*, (as a fool that doth not understand his own liberty) *for the kingdom of God is not meat and drink, &c.*

And in like manner those at *Ierusalem* Act. 15. though they did not think fit to bring a *new Yoke* of *Circumcision* upon the *Gentiles* (to whom before it had not been a Law) yet do advise them to forbear *things strangled and bloud*, because this had once been a Law to all the Sons of *Noah*, *Gen.* 9. 4.

Not but that this was even now antiquated, but (to avoid offense) because it had once been a Law. For I take even those things to fall under these Generals, *The kingdom of God is not meat and drink, but righteousness and peace and joy in the Holy Ghost*, *Rom.* 14. 17. and *every creature of God is good, 1 Tim.* 4. 4. *I know, and am perswaded that there is nothing unclean of it self:* But *All things indeed are pure*, *Rom.* 14. 14, 20. *Tit.* 1. 15. *Meat commendeth us not to God; for neither if we eat, are we the better* (as making use of our lawful liberty) *neither if we eat not* (in compliance with those who be unsatisfied) *are we the worse*, 2 Cor. 8. 8.

So that the Practise of the Apostles or of the Church at that time, in compliance with the Jews, as to what had before been a Law, but now was not; is no argument that the thing was then obligatory, as before it had been, but onely an argument of their condescension in things of a middle nature, rather than to give offense to those who were therein unsatisfied; according to that principle of his *All things are lawful for me but all things are not expedient*, 1 Cor. 10. 23. *To*

give no offense either to Jew or Gentile, or to the Church of God, ver. 32, 33. To the Jews I became as a Jew; To the weak I became as weak; I am made all things to all men; 1. Cor. 9. 19. In so much that even in those things which he knew to be lawful, yet, rather than give offense to a weak brother, he would forbear, If meat make my brother to offend, (or, be an offense to a brother) I will eat no flesh while the world standeth, lest I make my Brother to offend."³⁵

John Wallis (B)

I agree also that the *Apostle*, and other *Christians*, even after Christs Resurrection, did go to the *Temple* and the Jewish *Synagogues* on their *Sabbath* days (and did there assist at *Prayers*, and *Reading the Law*, and other services common to Jews and Christians) on a like account as when we now meet to *hear a Sermon*, or keep a *Fast* or *Thanksgiving* on a *Week-day*. But so they did as to *Circumcision*, and other *Jewish Rites*. As when *Paul* circumcised *Timothy*, and joined in the Jewish Rites of *Purification*, Act. 21. on account of those *believing Jews* who were yet *zealous of the Law*: To testify to them that he had been misrepresented by those who said he did teach *the Jews which are among the Gentiles* to *forsake Moses*, and that they *ought not to circumcise their Children, nor to walk after the Customs*. Whereas indeed he taught that *Gentiles* ought so to forbear, (as being a *new yoke* to which before they were not subject,) but as to the *Jews which were amongst the Gentiles* he did allow them (if not yet satisfied of their Christian Liberty) so to practise. For he puts a great difference between the *Gentiles*, and the *Jews among the Gentiles*; of which I doubt our Author doth not take notice; else he would not tell us (p. 39.) of *Paul's writing one thing, and practising another*. He preached and wrote *against Circumcision* as to the *Gentiles*; but allowed it to the *Jews*; and himself practised it, As to *Timothy* (a Jew) but not as to *Titus* who was *no Jew*. And the like we may say as to the *Jewish Sabbath on their Seventh day*.³⁶

As to what Services were peculiarly *Christian* (as *breaking of Bread*) they did it not at the Temple or Synagogues, but 〈 in non-Latin alphabet 〉 *at home, or from house to house*, Act. 2. 46. and on another day, the *first day of the Week*, Act. 20. 7.³⁷

³⁵ Wallis, *Christian Sabbath*, 52-53.

³⁶ *Ibid.*, 73-74.

³⁷ *Ibid.*, 72-74.

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