

THE RELEVANCE OF THE OLD TESTAMENT LAW FOR TODAY

We saw in the first part of this article how the moral aspects of the Mosaic Law and the moral principles within it remain relevant for Christians today. The question this part of the article seeks to address is whether those moral aspects and principles have any relevance to the Christian witness to wider society today.

PART II: THE RELEVANCE OF THE MOSAIC LAW TO NON-CHRISTIANS TODAY

I. The moral aspects of the Mosaic Law and the Non-Christian

Given that, as we have seen, the Mosaic Law was given to the redeemed people of God, does it have any applicability to non-Christians and to secular society? To put it another way, if natural law exists, what relationship does it have to the Mosaic Law? This is part of a broader question of the authority of Christian morality over humanity at large, framed by Norman Anderson in the following terms¹: “To assert the authority of Christian ethics *as such* over those who have not even had the opportunity to give their allegiance to Christ would clearly be absurd; yet how could these ethics be other than authoritative for all men, if they in fact represent their ‘Maker’s instructions.’?”²

A. The moral law in creation³

Sir William Blackstone in his famous *Commentaries on the Laws of England* said this: “Man, considered as a creature, must necessarily be subject to the laws of his Creator”⁴. Not only can

¹ Norman Anderson *Freedom under Law* (Eastbourne: Kingsway, 1988) 101.

² There is not space in this article to explore another common objection: Is God unjust to require from man total conformity to the moral law, which is impossible?, as to which see Ernest Reisinger *The Law and the Gospel* (Phillipsburg, NJ: P&R Publishing, 1997) 78-88. In summary, his answer is that God is not unjust, because each man’s disobedience is both hereditary and voluntary.

³ Julian Rivers in “A Bill of Rights for the United Kingdom?” in ed. Paul Beaumont *Christian Perspectives on Law Reform* (Carlisle: Paternoster, 1998) 25 @ 39 finds an additional justification for the universal nature of Christian morality in the fact that “All are called to acknowledge Christ as Lord (Philippians 2:10-11), so that “Christian morality” must be universally binding, if not universally acknowledged.”

this be stated as a logical proposition, there is clear biblical evidence in the earliest chapters of Genesis that Adam and Eve were subject to God's laws.

There was law in the Garden of Eden before the Fall. Adam was given a specific command by God, a specific prohibition against eating from the Tree of Knowledge (Genesis 2:16-17)⁵. Then there were the creation ordinances: identified by Ernest Reisinger as the procreation command to be fruitful and multiply (Genesis 1:27-8), the sabbath command to rest on the seventh day (Genesis 2:2-3), the work command (Genesis 2:15) and the marriage command (Genesis 2:24)⁶.

“God wrote the law on Adam's heart so that he would know right from wrong, good from evil. ... It was a divine obligation impressed upon Adam's conscience from the beginning by the almighty Creator.”⁷ “Moral law was first inscribed on the very soul of man at creation.”⁸

B. The moral law after the Fall

The problem is that mankind no longer lives in the state of innocence which Adam and Eve enjoyed. The human race is fallen. The voice of God is no longer heard by us as it was once heard by Adam. What, if anything, is left of the knowledge of the law as first given to Adam?

The Apostle Paul wrote this in Romans 2:14-15 “Indeed, *when Gentiles*, who do not have the law, *do by nature things required by the law*, they are a law for themselves, even though they do not have the law, since *they show that the requirements of the law are written on their hearts*,

⁴ Sir William Blackstone *Commentaries on the Laws of England* ed. Stanley N. Katz *et al.*, 4 vols., fascimile ed. (University of Chicago Press, 1979) 1:39.

⁵ Letters of John Newton – originally 1774, this edition (London: Banner of Truth, 1960) 42

⁶ Ernest Reisinger *The Law and the Gospel* 13-14. One may disagree with the arrangement or contents of his list without detracting from the fundamental principle that God gave creation ordinances to Adam.

⁷ Ernest Reisinger *The Law and the Gospel* 12.

⁸ Walter Chantry *God's Righteous Kingdom* (Edinburgh: Banner of Truth, 1980) 78.

their consciences also bearing witness, and their thoughts now accusing, now even defending them.” (*italics mine*).⁹

“The law of nature ... continues to be impressed upon the human mind by God apart from any tradition or instruction. There is no mortal who does not feel its force to some degree: ‘What may be known of God is manifest in them, for God has shown it to them’ (Romans 1:19)”¹⁰

The effects of sin and the whisperings of the serpent have distorted, though not completely erased, our knowledge of God’s laws. “[T]he moral law was clearly written on Adam’s heart at creation. After the Fall, this clear law was defaced, although not totally obliterated. According to Romans 2:14-15, some faint impressions of it still remain on the hearts of reasonable men.”¹¹ The philosopher Immanuel Kant made perhaps the most eloquent comment on this reality when he said that only two things were capable of stirring awe – “the starry heavens above me and the moral law within me.”

Walter Chantry writes: “Since Adam plummeted into sin and corruption, this first draft of the moral law has been disfigured. ... Each sinner has blotted out particular aspects of the moral law. Societies have their particular blind spots. Nevertheless, the first engraving of the moral law has never been completely obliterated in any man. Conscience alone has witnessed sufficiently to

⁹ In understanding this passage I side with those scholars who reject Karl Barth’s reading of “Gentiles” as referring to “Gentile Christians”, and understand it in the usual sense of meaning those unbelieving non-Jews: see J.W. Montgomery “Law & Justice” *120/1 Law & Justice* 18 and *The Tyndale New Testament Commentary on Romans* 2nd edn. (Leicester: IVP, 1985) 86. I am therefore also in agreement with Räisänen in his interpretation of this passage: Räisänen *Paul and the Law* (Tubingen, 1983), although I disagree with his contention that this makes Paul confused in his thoughts, because Paul does not seem to me to be saying here that Gentiles can fulfil the law *perfectly*, merely that they can fulfil some of its requirements; and even this partial, unknowing compliance with the law’s demands exposes the hypocrisy of those who claim to be its true custodians.

¹⁰ Ernest Reisinger *The Law and the Gospel* 12.

¹¹ Ernest Reisinger *The Law and the Gospel* 69. Norman Anderson in *Freedom under Law* 66 suggests that whether we label this fact “common grace” with the Reformers or refer with the Scholastics to the light of “natural reason”, makes little difference in the context of thinking about morality.

the moral law, so that every man is ‘without excuse.’ None may ever go to confront the righteousness of God in judgement and say, ‘I didn’t know.’”¹²

But what is this moral law written on the consciences and in the hearts of humankind, and how does it relate to the Mosaic Law?

For the writer(s) of Genesis, the Jews were God's special people precisely **because** the Torah was universally applicable and they alone were the law-keepers. Because their God was a holy God, a moral God, and because he alone was God it was inconceivable that his standards of justice and righteousness were not universally applicable.

A simple view is apparent amongst the prophets: "[For Amos] Yahweh is a God of moral perfection, who requires moral behaviour of all people. God gives life to all, and all will be held accountable for their actions in the world."¹³

The view of Gratian, the great 11th century codifier of canon law, was that natural law was to be equated with the divine law, that is, with the revealed law of the Old and New Testament, and in particular the Christian version of the Golden Rule¹⁴. The belief that God’s ethical standards flow directly from his eternal holy nature leads to the conclusion that “Moral law is God’s infallible revelation of his will for man’s behaviour. The objective standard flows directly and of necessity from God’s own moral rectitude. It is a timeless code of ethics by which all mankind will be judged.”¹⁵ “The moral law ... can no more be abolished or changed than the nature of good and evil can be abolished or changed.”¹⁶ Yet that assertion in itself does not answer the question as to how much of that moral law is capable of being ascertained by humankind after the Fall without the benefit of special revelation from God.

¹² Walter Chantry *God’s Righteous Kingdom* 78-9.

¹³ Lasor, Hubbard and Bush *Old Testament Survey* 251.

¹⁴ Source: “Natural law” Encyclopaedia Britannica.

¹⁵ Walter Chantry *God’s Righteous Kingdom* 74, 118.

¹⁶ Ernest Reisinger *The Law and the Gospel* 56.

Reisinger argues that the nature of God's commandments must have been known, or at least been capable of being known, before Sinai, because "Otherwise the sins of lawbreakers could not have been punished."¹⁷ His argument is that it would have been unjust of God to punish men for things which they could not have known were sins¹⁸. He points out that all of the Ten Commandments were broken, and the lawbreaking was punished or reprimanded by God, even before they had been promulgated on Sinai. As "where there is no law there is no sin" (Romans 4:15), Reisinger concludes that these were sins against the perfect law written on Adam's heart at creation, of which the Commandments at Sinai were simply the more vivid expression.¹⁹

The plagues were a judgement on Egypt for its worship of false gods. In Exodus 12 v.12, God records that on the night of the plague on the first-born "against all the gods of Egypt I will execute judgements"²⁰. Egypt and its Pharaoh were guilty of having false gods, false worship and of blaspheming²¹, contrary to the first three commandments.

Just as God rested on the seventh day, so human beings, made in God's image, are designed to function best with at least one day's rest in seven. Even before the Ten Commandments were given on Mount Sinai, God chastised his people for seeking to gather Manna on the seventh day (Exodus 16:27-29). Ham was cursed for dishonouring his father Noah by looking on Noah's nakedness (Genesis 9:18-29), contrary to the fifth commandment.

Cain broke the sixth commandment by murdering his brother, Abel. God punished him by condemning him to be a restless wanderer on the earth (Genesis 4:13). After the Flood, God declared to the Noah that "'Whoever sheds the blood of man, by man shall his blood be shed.'" (Genesis 9:6). The Sodomites broke the seventh commandment against adultery, and were

¹⁷ Ernest Reisinger *The Law and the Gospel* 19-22.

¹⁸ This is, of course, different from the well-known axiom that "Ignorance of the Law is no Defence", since the principle underlying that maxim is that the ignorant lawbreaker could have known of the law's existence although in fact he had not availed himself of that opportunity.

¹⁹ Ernest Reisinger *The Law and the Gospel* 18.

²⁰ See also Exodus 7:3-5.

²¹ Exodus 5:2.

punished for it by utter destruction (Genesis 19:24-25). Jude 7 is blunt in its commentary “Sodom and Gomorrah and the surrounding towns gave themselves up to sexual immorality and perversion. They serve as an example of those who suffer the punishment of eternal fire.”²²

Adam and Eve broke the eighth commandment against stealing when they took hold of the forbidden fruit (Genesis 2:16-17, Genesis 3:6-7). Their punishment was the curse of death, which afflicted them and all the human race after them. Jacob was prepared to put to death anyone found to have stolen his father-in-law’s idols (Genesis 31:32). Cain broke the ninth commandment when he lied to God about his brother’s death, and as a result the ground he would try to farm became cursed (Genesis 4:9). First the Pharaoh in Egypt (Genesis 12:10-20) and then Abimelech coveted Abraham’s wife (Genesis 20:3) and both were punished.

Reisinger concludes that the fact “that all the commandments were broken before the Ten Commandments were written on Mount Sinai, and that those guilty of breaking these commandments were either severely punished or sharply rebuked ... [shows] that the moral law is for all time ... [and demonstrates] that the moral law is for all people.”²³ “All those created in God’s image are obliged to live up to his ethical image.”²⁴

The prophetic writings of the Old Testament clearly regard the nations as under God’s judgement on the basis of objective criteria. Taking one example, Christopher Wright says: “[In the book of Amos, the] nations are accused by the God of Israel on the basis of moral criteria of universal human validity. They are not judged only for wickedness committed against Israel, God’s people, but for wrongs done among themselves. Treaties had been broken, communities

²² Elsewhere in Scripture, Ezekiel 16:49 records that Sodom was “arrogant, overfed and unconcerned; they did not help the poor and needy. They were haughty and did detestable things before me. Therefore I did away with them”

²³ Ernest Reisinger *The Law and the Gospel* 22, see also 16; and Letters of John Newton 43. W.J. Dumbrell *Covenant and Creation* (Carlisle: Paternoster, 1984, 2000) 13, reaches a similar conclusion to Reisinger on the basis that “the flood account appears to assert that there are universal moral laws which are intended to regulate the conduct of men.”

²⁴ Ernest Reisinger *The Law and the Gospel* 17, see also 23.

pillaged, captured and sold, atrocities committed, inhumanities perpetrated. And the Lord, *Israel's* God, had seen it and held these other nations accountable for their mutual behaviour.”²⁵

Reisinger's observation is further supported by the fact there are clearly similar patterns of ethical thought to be found in the great civilisations of the world. A survey of the great religions and legal systems of history does reveal some measure of agreement on basic principles. In that sense, it is possible to speak of “natural law”²⁶. As Aquinas discovered, men such as Aristotle did have a tolerable grasp of at least the Second Table of the Ten Commandments²⁷. The inverse of the Golden Rule: ‘Do not do to others what you yourself dislike’ had been divined by a number of ancient sages, from the Athenian Isocrates to Rabbi Hillel²⁸. That all men, because of their wilful ignorance and neglect, do not know the basic requirements of the Law of God, does not mean that its fundamental tenets are inaccessible to all who choose to reflect on them²⁹.

²⁵ Christopher Wright *Living as the People of God* (Leicester: IVP, 1983) 124. Other prophets who also prophesied against the nations include Isaiah (Isaiah 13:1-21:17, 23:1-25:12, 34:1-17, 46:1-47:15), Jeremiah (Jeremiah 25:15-38, 46:1-51:64) Ezekiel (Ezekiel 25:1-32:32, 35:1-15, 38:1-39:6), Joel (Joel 3:1-16), Obadiah, Jonah, Nahum, Zephaniah (Zephaniah 2:4-15), and Zechariah (Zechariah 9:1-8). See also Walter Bruggeman who writes “It is simply affirmed and assumed that the Torah and its commands pertain to all of creation and thus to human persons.”: *Theology* 455.

²⁶ As Norman Anderson does in chapter 3 of *Freedom under Law*, 52-73, where he conducts just such a survey. For another such survey, see C.S. Lewis *The Abolition of Man* (OUP, 1948) and (Glasgow: Fount, 1978) 49-59. Jacques Ellul also acknowledges the existence of natural law as a human phenomenon for similar reasons: “*Le fondement théologique du droit*” (Neuchâtel: Delachaux & Niestlé, 1946) 20. Tr. *The Theological Foundations of Law* (London: SCM, 1961).

²⁷ In *The Nichomachean Ethics* Book II, 18 Aristotle writes “the very names of some [emotions] directly imply evil, for instance malice, shamelessness, envy, and, of actions, adultery, theft, murder. All these and similar actions and feelings are blamed as being bad in themselves ...”

²⁸ R.T. France *The Tyndale New Testament Commentary on Matthew* (Leicester: IVP, 1985) 145.

²⁹ F.F. Bruce *The Tyndale New Testament Commentary on Romans* 2nd edn. (Leicester: IVP, 1985) 77, 80, 84. Oliver O'Donovan's observation is instructive in this connection: "It is one thing to say that until the Word became incarnate, man could discern no meaning in nature; quite another to say that until the Word became incarnate nature had no meaning. Revelation is the solution to man's blindness, not to nature's emptiness. True, man's blindness is itself part of a disruption within nature, which we call the fall. But the very fact that nature can be disrupted and disordered shows that it cannot be inherently meaningless.": "The Natural Ethic" in David F. Wright (ed.) *Essays in Evangelical Social Ethics* (Exeter: Paternoster, 1978) 26.

Significantly, in the middle of the key passage relied upon by those who are for the biblical basis for a doctrine of natural law, Romans chapters 1 and 2, Paul asserts that **“they know God’s righteous decree that those who do such things deserve death”** (Romans 1:32). He spells out in verses 21 to 31 a list of those things which they (all humankind) both do and know are condemned by God: idol worship (vv.21-23, 25), sexual impurity and shameful lusts (vv.24, 26-27), “every kind of wickedness, evil, greed and depravity ... envy, murder, strife, deceit and malice” (v.29), gossip, slander, hatred of God, insolence, arrogance, boasting, invention of new ways of doing evil, disobedience to parents, senselessness, faithlessness, heartlessness, ruthlessness (v.30-31). Again, the similarity to the Ten Commandments is surely more than coincidental.

Finally, the nature of the atonement itself provides a further argument for the permanence of the moral law. “Jesus died to satisfy the moral law’s demands. His death for ever establishes the inviolability of the moral law. Rather than scrap the moral law, the Father heaped wrath upon his Son as the only way of saving sinners.”³⁰

If Reisinger is right, the ethical revelation from nature, the clearer exposition of God’s requirements in the Ten Commandments and the rest of the Mosaic Law, and finally the definitive exploration of the demands of God’s law by Jesus relate to one another as different degrees of light illuminating the same ethical landscape. The first as the first light before dawn, when indistinct shadowy outlines are all that can be discerned, the second like the dawning sunlight, as colours emerge and shapes become clearer, and the last like the noonday sun when one can see furthest into the distance³¹.

The Mennonite scholar, John Howard Yoder, is therefore right to be suspicious of appeals to “nature”, “reason”, “creation” or “reality” as providing a self-evident foundation for ethics,

³⁰ Walter Chantry *God’s Righteous Kingdom* 71.

³¹ Readers of the first part of this article need not be reminded of my consideration therein of the distinctive nature of the ethical demands of Jesus.

which differs in its moral substance from the teachings and example of Jesus³². I have argued elsewhere that the content of natural law has to be informed by biblical insight in order to establish a viable, coherent set of propositions³³. Without the complementary biblical information, “historical study shows that it has been possible to understand under *order of nature* just about anything a philosopher wanted”³⁴. That said, the major fault lies in man’s wilful sinful blindness rather than any defect in God’s general revelation of himself through nature and conscience (see Paul’s arguments in Romans 1:19-20 and Acts 14:15-17).

Despite the Fall, human beings can still attain a partial knowledge of divine standards for human life³⁵. Because of the Fall, God’s standards can only be fully known through his revelation of himself in Scripture and through the person of his Son, Jesus Christ.

C. The Mosaic Law as a source of moral principles

So if natural law exists, and its content bears some relationship to the Ten Commandments, what about the rest of the Mosaic Law?

³² A point J.H. Yoder makes briefly in *The Politics of Jesus* 2nd edn. (Carlisle: Paternoster, 1994) 19, and explores at greater length in “Does Natural Law Provide a Basis for the Christian Witness to the State?” *Brethren Life and Thought*, 7 (Spring 1962), 18-22.

³³ David McIlroy “A Christian View of the Role of the State” (1999) *142/3 Law & Justice* 117; see also Matthijs de Blois “The Foundation of Human Rights” in ed. Paul Beaumont *Christian Perspectives on Human Rights and Legal Philosophy* (Carlisle: Paternoster, 1998) 11; John Warwick Montgomery “Why A Christian Philosophy of Law?” in the same volume at 85 and “The Case for Higher Law” (1992) *112/3 Law & Justice* 31 @ 42; James Thwaites *The Church Beyond the Congregation* (Carlisle: Paternoster, 2000) 98; and J.H. Yoder’s assessment of the Calvinist position on natural law in *Christian Witness to the State* 65. The scholastic approach to natural law has also been re-examined from within the Catholic Church by Jean Porter who writes “Not only does Scripture offer warrants for various aspects of the natural law tradition, it also, and more fundamentally, provides the scholastics with starting points for establishing the normative content of the natural law.”:Jean Porter *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics* (Grand Rapids: Eerdmans, 1999) 136.

³⁴ J.H. Yoder *The Christian Witness to the State* (Newton, Kansas: Faith and Life Press, 1964) 33, 82. See also Graeme Goldsworthy *Gospel and Wisdom* 139.

³⁵ J.W. Montgomery “Law and Justice” (1994) *120/1 Law & Justice* 17, citing Luther and Calvin in support of his position.

Christopher Wright identifies four key creation values from the narratives in Genesis: the principle of shared access to and use of the land and natural resources, the privilege and responsibility of work, the principle that man has dominion over the land to make it fruitful (which Wright calls the principle of economic growth), and the principle of stewardship.³⁶ To that list have to be added (in so far as they differ) the creation ordinances.

However, he notes that "... for Israel economics were governed not only by creation principles ... but in addition by their status as a redeemed people. Indeed, **because of the effect of the fall, both on mankind and on the earth itself, Israel would be able to match up to creation principles economically only insofar as they obeyed the requirements God laid upon them as his redeemed people.**"³⁷ "[T]he very purpose of the provisions given in the context of redemption was to restore a measure of conformity to the original economic purposes of God in creation. So if we believe that it is in the interests even of fallen human society to respect 'the Maker's instructions', as is the view of those who strongly uphold a 'creation ethic' approach, we shall advocate policies and values drawn from the ethics of that nation who knew God as both *Redeemer* and *Maker*."³⁸ (*emphasis mine*).

Taking the specific example of work, which is the subject of a creation ordinance and one of Wright's key creation values, Wright argues that "although we may rightly wish to advocate the simple principles and ideals inherent in the creation ordinance of work, the effect of the fall is such that we cannot do so adequately without reverting to the principles and concrete models provided in the redemption context of God's people. ... this remains the case if we choose also bring the New Testament to bear on our ethic of work and employment; for the instructions to employers and their slave-employees and the warnings against deliberate idleness are clearly given within the 'redemptive context' of Paul's letters to Christian churches."³⁹

³⁶ Christopher Wright *Living as the People of God* 85.

³⁷ Christopher Wright *Living as the People of God* 76.

³⁸ Christopher Wright *Living as the People of God* 89.

³⁹ Christopher Wright *Living as the People of God* 80.

Because of the Fall, there is no way back to Eden⁴⁰, only forward through redemption to heaven. After the Fall, it is impossible to propound adequate Christian creation ethics without reference to the example of Israel as God's Redeemed nation or Jesus Christ as God's chosen Redeemer.

Wright bases the legitimacy of the use of the Mosaic Law with regard to ethics applicable to all humankind on the place of the creation narratives and the Mosaic Law as both part of the *corpus* of material bundled together as the Pentateuch. “[To the Israelites] The God who, as their Redeemer, gave the law to Israel as his own people, was also known to be the Creator and Ruler of all mankind. The law is based on the assumption of Israel's accountability to the Lord as their covenant sovereign. But that in itself rests on the axiom of Old Testament creation faith that *all* people are morally accountable to God. In fact, canonically speaking, the creation narratives and their moral implications were *part* of ‘the law’, meaning the Pentateuch, to the Israelites.”⁴¹

Having established the validity of the use of the Mosaic Law with regard to universal ethical considerations, in making use of the example of Israel, Wright urges the adoption of the paradigmatic approach⁴². “[This approach] assume[s] that if God gave Israel certain institutions and laws, they were based on principles which have universal validity. That does not mean that Christians will try to impose by law in a secular state provisions lifted directly from the laws of Moses. It does mean that they will work to bring their society nearer to conformity with the principles underlying the concrete laws of Old Testament society, because they perceive the same God to be both Redeemer and law-giver of Israel, and also Creator and Ruler of contemporary mankind.”⁴³

⁴⁰ Genesis 3:23-4.

⁴¹ Christopher Wright *Living as the People of God* 161.

⁴² Walter Chantry *God's Righteous Kingdom* 121 and Ernest Reisinger *The Law and the Gospel* 52 advocate, in effect, a similar approach.

⁴³ Christopher Wright *Living as the People of God* 162.

A contemporary example of the paradigmatic use of the Mosaic Law to identify a moral principle, which was successfully contended for by Christians in the public square is the Jubilee 2000 campaign for the cancellation of Third World debt⁴⁴.

D. Christian Reconstructionism

The alternative to regarding the Mosaic Law as ethically irrelevant to secular society, or using it paradigmatically, is to seek to apply it literally. This is the solution propounded by “theonomists” or “Christian reconstructionists” who argue that “although the Mosaic ceremonial legislation has been abrogated⁴⁵, [both] Israel’s moral and civil legislation, along with all of the other prescriptive material in the Bible, is comprehensive and valid not just in principle but literally in every detail” for all people at all time.⁴⁶

But it is inappropriate for a modern state to legislate even the Ten Commandments *in toto*. “It is questionable whether the state (outside [Old Testament] Judaism) was ever intended to enforce the first table of the [Ten Commandments].”⁴⁷ The first four commandments had a clear place within the Old Testament nation of Israel, in demonstrating its character as a nation holy to God. No modern State stands in the same relationship to God. But even here matters are not simple, because the sabbath principle has an obvious humanitarian aspect to it, and has demonstrable social utility. So far as the second table is concerned, the inclusion of the Tenth Commandment “Do not covet” is sufficient proof that the Ten Commandments cannot simply be legislated lock, stock and barrel into any legal system⁴⁸. Moreover, it highlights the fact that a person can be

⁴⁴ Paul Mills in “The divine economy” (2000) *Cambridge Papers* Vol. 9 no. 4, points out that in fact the Jubilee principle was adopted as a convenient analogy to bolster an existing position. While this is true it does not alter the fact that the analogy was a valid one, albeit not without its complications. Mills himself argues for a holistic study of the Pentateuch laws as an integrated whole in order to provide the outlines of a biblical economic model.

⁴⁵ As they are bound to admit, given the New Testament’s clear teaching on the subject; and as to which, see the first part of this article.

⁴⁶ Craig Gay *With Liberty and Justice for Whom? The Recent Evangelical Debate on Capitalism* (Grand Rapids, Michigan: Eerdmans, 1991) footnote on 102.

⁴⁷ Walter Chantry *God’s Righteous Kingdom* 120.

⁴⁸ Walter Chantry *God’s Righteous Kingdom* 94; Christopher Wright *Living as the People of God* 153.

morally culpable before God without having committed any external offence capable of punishment by a human court.

In effect, the theonomists place a premium on forcing non-believers to behave like ancient Jews rather than converting them into modern Christians⁴⁹. “For believers a return to [Old Testament] judicial laws would be bondage (Galatians 4:3, 9). For unbelievers such a state reinstated would be a barrier to their coming to faith, not an aid.”⁵⁰

The theonomists’ approach fails to take seriously the fact that under the New Covenant, God’s kingdom is “not of this world.” (John 18:36). It fails to recognise that “much of the law was tailored to the needs and circumstances of the place and time”, an agricultural, rural, undeveloped society.⁵¹ It also fails to use the New Testament in any way as a filter for the Old Testament legislation. Its exponents are therefore led into arguing that because there are regulations in Scripture dealing with the treatment of slaves, slavery ought to be reintroduced into modern culture⁵². That such a suggestion could be made with a straight face exposes the fundamental flaws in such a literalist approach⁵³. In their enthusiasm to adopt the detail of the Old Testament civil legislation, the theonomists fail to consider adequately the ethical **principles** developed throughout the Bible as a whole⁵⁴.

⁴⁹ Larry Christenson *A Charismatic Approach to Social Action* (London: Lakeland, 1975) 86-8.

⁵⁰ Walter Chantry *God’s Righteous Kingdom* 121; see also Ernest Reisinger *The Law and the Gospel* 52.

⁵¹ Norman Anderson *Freedom under Law* 110.

⁵² Craig Gay *With Liberty and Justice for Whom?* 103 cites the example of David Chilton, who devotes several pages (pp. 59ff) in his book *Productive Christians in an Age of Guilt Manipulators* (Tyler, TX: Institute for Christian Economics, 1981) to this topic.

⁵³ Tony Campolo *Was Jesus a Moderate?* (Dallas: Word, 1995) notes two other consequences of a Reconstructionist approach: “the Reconstructionists seem to make almost no distinction between the purity laws and the moral laws in the Old Testament ... This is particularly alarming when we realize that the purity laws would require that we stone to death those who commit homosexual acts as well as children who disobey or talk back to their parents.” 142.

⁵⁴ Such as, on the issue of slavery for example, Galatians 3:28 in the New Testament. Christopher Wright criticises the theonomists’ blinkered vision in the following terms: “We cannot simply transpose the social laws of an ancient people into the modern world and try to make them work as written. That would be tantamount to taking the paradigms of a grammar book as the only words one could use in that particular language. The paradigms are there,

II. The Application of the Old Testament Law to society

If Christian Reconstructionism is rejected, does not Wright's approach merely lead us back to a more moderate form of Christian Reconstructionism, where moral principles derived from Mosaic Law take the place of literalist applications of the Mosaic Law, but their imperative force is similarly all-encompassing?

I have argued elsewhere that there are significant reasons for understanding the teaching of the Bible as containing countervailing considerations which mitigate against such an approach⁵⁵. We must recognise the distinctive and limited role which the State has a mandate to carry out in these times. Human responsibility must be taken seriously. Moreover, in discerning what is politically *practicable*, Christians must not be naïve. We must reckon with the presence of sin and the absence of the Holy Spirit.

A. The limited role of the State

This is not the place to rehearse arguments put forward elsewhere for understanding the role of the State⁵⁶. Suffice it to say that the fundamental role of the State is to keep order and to promote justice so that the proclamation of the kingdom of God may prosper⁵⁷. Christians have no mandate to impose a theocracy.

“Western theology starts from the assertion that the kingdoms of this world are *not* the kingdom of our God and of his Christ, not, at any rate, until God intervenes to make them so at the end ... This does not mean ... that the secular state can be independent from God and his claims, or that

not to be the sum of possible communication ever after, but to be applied to the infinite complexities of the rest of the language.” *Living as the People of God* 43, 45.

⁵⁵ David McLroy “A Christian State?” (1994) *120/121 Law & Justice* 32; “A Christian View of the Role of the State” (1999) *142/143 Law & Justice* 117; see also Basil Mitchell “Should Law be Christian?” (1988) *96/97 Law & Justice* 12.

⁵⁶ As to which see David McLroy “A Christian State?” (1994) *120/121 Law & Justice* 32; “A Christian View of the Role of the State” (1999) *142/143 Law & Justice* 117.

⁵⁷ Other functions may legitimately be placed in the domain of the State by a decision of the people to do so.

the pious individual can cultivate a private existence without regard for the claims of his society. It means simply that earthly politics, because they do not *have* to reconcile the world, may get on with their provisional task of bearing witness to God's justice."⁵⁸

B. Taking Human Responsibility Seriously

Treating others as we would be want to be treated ourselves involves giving others the freedom to exercise responsibility over their own lives, to take their choices seriously. "We must allow people the freedom to live out life as they see fit, as long as their behaviour does not violate the rights of others around them."⁵⁹

The Christian faith is to be infectious rather than imposed. Jesus' own mission to earth was not one of judgement but of salvation. The judgement of the Day of the Lord has been postponed until the Second Coming. God made us as responsible creatures, and we are answerable primarily to him⁶⁰.

Nonetheless, God has given the State⁶¹ a delegated authority, in this world, to "do good" and to act as "God's servant, an agent of wrath to bring punishment on the wrongdoer." (Romans 13:4). Just as human beings are finite and God is infinite, so human justice must necessarily be limited, whereas God's judgement is perfect. "[F]or all have sinned and fall short of the glory of God" (Romans 3:23). If all offences against God's ethical order were to be punished by human courts there would be no judges qualified to try the cases (see John 8:7) and no-one to carry out the punishments.

C. The Presence of Sin

The doctrine of the Fall provides a theological category for what is a self-evident reality. As G.K. Chesterton drily observed "original sin ... is the only part of Christian theology which can

⁵⁸ Oliver O'Donovan *Resurrection and Moral Order* (Leicester, IVP: 1986) 72.

⁵⁹ Tony Campolo *Was Jesus A Moderate?* 144.

⁶⁰ See, *inter alia*, Romans 12:19.

⁶¹ By which I mean "the governing authorities" rather than any particular form of constitutional order.

really be proved”.⁶² The presence of sin must therefore be reckoned with when working from the basis of God’s ethical demands of humankind towards practical human legislation⁶³.

As Jesus himself explained, the reality of sinful imperfection was recognised in the law of Moses itself, with its teaching on divorce, given because “your hearts were hard” (Matthew 19:1-12). As Wright acknowledges “[T]he experience of Old Testament Israel prepares us to allow for the fact that society is fallen. Even God does so! That is the point of Jesus’ saying that while, from the beginning, God’s creation purpose was lifelong marriage, nevertheless he ‘allowed divorce ‘for your hardness of heart’ (Matthew 19:8, RSV). If divorce could be tolerated within Israel as God’s redeemed people, though not without criticism and the teaching of a higher standard, ... we must agree to its being tolerated within secular society. Not that it should pass without criticism and, more than that, positive working to uphold the highest, absolute standards and to enable people to approximate to them. This principle must then apply to wider areas of social and political life. Christians are constantly in the position of having to live and work in, and cope with, situations and structures which they know fall short of God’s standards. Some things have to be tolerated while at the same time we work, like salt or yeast, for change.”⁶⁴

D. The Absence of the Holy Spirit

I do not mean to suggest that the Holy Spirit is absent from involvement in human affairs beyond the confines of the Church. There is good evidence from the Old Testament to the contrary⁶⁵. But one of the distinctives of the New Covenant is the giving of the Holy Spirit as an indwelling presence, to equip and enable God’s people to live holy lives. At the Last Supper, Jesus told his disciples: “I will ask the Father, and he will give you another Counsellor to be with you forever –

⁶² G.K. Chesterton *Orthodoxy* (London: Hodder & Stoughton, 1996) 10.

⁶³ A principle also recognised by J.H. Yoder in his *Christian Witness to the State* 72 and seen by him as a significant factor in the thought of H. Richard Niebuhr: *Christian Witness to the State* 68.

⁶⁴ Christopher Wright *Living as the People of God* 188.

⁶⁵ The Holy Spirit enabled Joseph to interpret the dreams of Pharaoh (Genesis 41:38), enabled Daniel to interpret dreams for Nebuchadnezzar (Daniel 4:8-9), and sent Jonah to Nineveh. Balaam was inspired by the Spirit to prophesy to Israel (Numbers 24:2), not to mention the appearance of Melchizedek to Abraham (Genesis 14:18-20) and God’s use of Cyrus as his Anointed (Isaiah 45:1) which are more problematic instances.

the Spirit of truth. The world cannot accept him, because it neither sees him nor knows him. But you know him, for he lives with you and will be in you.” (John 14:16-17). Devoid of the Holy Spirit, what can be expected of people by human legislators is necessarily limited⁶⁶. J.H. Yoder’s observation contains more than a grain of truth: “Whether or not, or in what sense, non-Christians or the non-Christian society *should* love, forgive, and otherwise behave like Christians is a speculative question. The spiritual resources for making such redeemed behaviour a real possibility are lacking.”⁶⁷

“Where God speaks to the reconciled and committed believer, the command to ‘be minded as it befits someone who is in Christ’ (Philippians 2:5) takes into consideration all the possibilities of the Holy Spirit and the church. When God’s will is communicated to man or men in their rebellion, neither God nor His ultimate will changes, but His current demands take into account the nonbelief of the addressee ... and therefore stay within other limits of possibility.”⁶⁸ Yoder therefore advocates that Christian social critique should be limited and specific: “The world can be challenged, at the most, on one point at a time, to take one step in the right direction, to approximate in a slightly greater degree the righteousness of love.”⁶⁹

III. Conclusions

When humankind was created, we were created as moral beings, subject to God’s moral law. We remain capable of understanding and appreciating that moral law in part after the Fall without the benefit of special revelation. That moral law which we are capable of apprehending includes the moral principles underlying the Ten Commandments.

There is no going back to Eden. In order to achieve a measure of conformity to God’s original economic and social purposes in creation it is necessary to look at the ethical teaching given to Israel as the redeemed people of God under the Old Covenant, as well as that given to the Church under the New Covenant. The use to be made of the Mosaic Law is a paradigmatic one,

⁶⁶ Larry Christenson *A Charismatic Approach to Social Action* 107; J.H. Yoder *Christian Witness to the State* 42.

⁶⁷ J.H. Yoder *Christian Witness to the State* 29. See also Jacques Ellul *Le Fondement Théologique du Droit* 9.

⁶⁸ J.H. Yoder *Christian Witness to the State* 32.

⁶⁹ J.H. Yoder *Christian Witness to the State* 39.

looking for the principles of universal moral validity which underlie its culturally specific provisions. It is not to be applied mechanistically.

Those moral principles derived from the Mosaic Law must be placed in the broader context of Christian ethics. Reflecting on his survey of the “recent” evangelical debate over capitalism, Craig Gay identifies three key affirmations which must be taken into account when thinking about the application of Christian ethical principles to wider society: “(1) the affirmation of the creational ideal for human life, (2) the affirmation that certain allowances must be made for the frustration of this ideal prior to the restoration of all things, and (3) the affirmation that the restoration of all things will both restore and yet will also exceed the original creational ideal in ways that we cannot yet comprehend. All of these affirmations find a single focus in the Christ, ... concretely in Jesus of Nazareth.”⁷⁰ In the light of this study, it is appropriate to conclude that the moral principles to be found in the redemptive work of God in the Old Testament as well as the New need to be taken into account.

Nonetheless, in seeking to apply to wider society principles derived from teaching given to the redeemed people of God, Christians must recognise the fact that the State under the New Covenant was not intended to be a theocracy, the fact that human responsibility needs to be respected, and the realities of the presence of sin and the absence of the empowering presence of Holy Spirit. The degree to which biblical ethics ought to be legislated is therefore limited, quite apart from the overriding consideration that our primary aim ought always to be the promotion of the gospel.

⁷⁰ Craig Gay *With Liberty and Justice for Whom?* 215.