

## **T. David Gordon's Expert Testimony (December 14, 2002)**

NOTE: During the trial, Dr. Gordon was permitted to take the stand as an expert witness testifying on behalf of the accused (Mr. Irons). This is not a transcript of Dr. Gordon's testimony, but the notes that he prepared in advance in response to written questions from the defense. Dr. Gordon based his oral testimony on these notes. These notes do not include the cross-examination that took place afterward. Mr. Laurie (defense counsel for Mr. Irons) is the one asking Mr. Gordon the questions (highlighted in bold).

**Mr. Gordon, you have been called as an expert witness in this trial. Before this court receives your testimony it is appropriate that we inquire into your expertise and how it qualifies you for the role of expert.**

**Where are you now employed?**

Grove City College

**And what do you teach there?**

Religion, Greek, and Humanities

**What is your educational background, commencing with college?**

B.L.A., Roanoke College (1977), M.A.R. Westminster Theological Seminary (1979), Th.M., Westminster Theological Seminary (1980), Ph. D., Union Theological Seminary in Virginia (1984), Dissertation: Paul's Understanding of the Law.

**What is your ecclesiastical history, briefly?**

Ordained a Ruling Elder in the PCA in 1982, Ordained a Teaching Elder (Minister) in 1986 (Northeast Presbytery). Taught New Testament at Gordon-Conwell Theological Seminary from 1984-1998; pastored Christ Presbyterian Church in Nashua, NH from 1989-1998.

**About how many articles directly related to the issues involved in Charges #2 and #3 have you published or are now in the process of writing for publication?**

Five

**What in your formal education, your service in the church, and your profession as a teacher and writer do you believe qualifies you as an expert with respect to the issues involved in Charges #2 and #3? Formal education first? Service in the church? Professional experience as a teacher and writer?**

Formal education: My Ph. D. Dissertation was on the topic of Paul's Understanding of the Law.

Experience as teacher and writer:

-Have taught The Law in the New Testament five times at Gordon-Conwell Theological Seminary, twice in the Ph.D. program at Westminster Theological Seminary, and once in the Th.M. program at Covenant Theological Seminary. Also taught a course on New Testament ethics at Gordon-Conwell four times.

-Published an article on theonomic ethics in the *Westminster Theological Journal* [vol. 56 (1994), pp. 23-43], and a comparison of theonomic ethics with the ethic of Cornelius Van Til in the Festschrift for Meredith Kline.

-Published articles passages pertinent to the law in the NT in Galatians and Romans in *Interpretation*, *New Testament Studies*, and *Westminster Theological Journal*.

-Am currently about 80% finished writing a book on biblical ethics.

**Mr. Gordon, have you studied Charge #2 with its specifications and the paper Mr. Irons has written in response?**

Yes

**What is your opinion of Mr. Irons' interpretation of Scripture in section B of his paper?**

In the case of each passage, I find his interpretation to be entirely consistent with standard reformed hermeneutics, even though on some smaller points I do not have a firm opinion myself. In all of the larger points, I believe his interpretation is preferable to the interpretation implied in the charges, to wit:

-When OT passages such as Psalm 1 or Jeremiah 31 refer to "the Law" or "the law of God," they do not mean some smaller part of the Mosaic law such as the Decalogue, but to the Mosaic legislation in its entirety.

-When NT passages such as Matthew 5:17ff. refer to "the Law" they also refer to the entirety of the Mosaic legislation, not merely to the Decalogue.

-That the fundamental difference, for Jeremiah, between the old covenant and the new covenant is that the new covenant will not be broken.

-Mr. Irons' interpretation of Matthew 5:17ff. is nearly identical to my own view, as published in the *Westminster Theological Journal* [vol. 56 (1994), pp. 28-33].

-When Paul refers to keeping "the commandments of God," he does not mean the Mosaic legislation, because in some such texts, he expressly repudiates the Mosaic requirement of circumcision.

-Paul's insertion of "in the Lord" into the fifth commandment is significant, and is significant in precisely the way Mr. Irons suggests that it is.

-The author of Hebrews deems it inconceivable that the Sinai covenant could be obsolete without the words of the covenant also being obsolete; to the contrary, the reasoning of the letter to the Hebrews is summarized in 7:11: "For when there is a change in the priesthood, there is necessarily a change in the law as well."

-The role of Christ as Lord and King over his church is such that, fundamental allegiance belongs to him, and therefore any Mosaic laws that oblige Christians do so only insofar as they have been endorsed and interpreted by Christ; the believer has no obligation to obey the laws of another covenant (to which he does not belong, Rom. 7), unless and only insofar as the Sovereign of the New Covenant says.

**What is your opinion of Mr. Irons' arguments re. Paul's use of *nomos* on pp. 50-53?**

His view is the view I have taught my students for over fifteen years. For Paul, *nomos* is a synecdoche, a figure of speech that refers to the Sinai covenant in its entirety, by referring specifically to its most salient or prominent aspect: law. The clearest indication of how Paul uses

the term is at Galatians 3:17: "the law, which came 430 years afterward, does not annul a covenant previously ratified by God, so as to make the promise void." In this context, it is unmistakable that "the law" is that covenanting act at Sinai that comes 430 years after the covenant with Abraham, which was characterized by promise.

**What is your opinion of Mr. Irons' distinction between the core doctrinal affirmation of the standards and the imperfect manner in which they state that doctrine? Is that a valid distinction?**

I agree entirely with this. When a presbyterian minister subscribes to the Westminster standards as containing the system of doctrine taught in the scriptures, he does not explicitly or implicitly state that he believes that the Westminster articulation of biblical doctrine is the only way of stating biblical truth, or even the best way of stating it. Many times, we may with all integrity believe that the Irish Articles of Religion, or the Thirty-Nine Articles, or the Heidelberg Catechism express the same biblical truth more articulately or with less confusion.

For years, I have told my students that there is an important difference between "manner" and "matter," when talking about the truths of the confessional standards. As for the "matter" which they teach, we agree sincerely, or we would not choose to be ordained in a church which employs those standards. But, as for the "manner" in which they teach biblical truth, there are several occasions when we respectfully believe that they have confused as much as they have clarified. Sometimes this confusion is the result of the work being done by an aggregate of individuals, with the necessary smaller concessions that attend such activity. Sometimes the confusion is due to the deliberate effort by Assembly to produce a compromise document that would satisfy its entire constituency; and sometimes it is probably due to the simple reality of human imperfection.

**Do you agree with Mr. Irons' claim that there are tensions in the standards re. the Law?**

I believe and teach that there are significant tensions in the teaching of the Westminster standards regarding the Law. There are important tensions within chapter 19 of the confession itself; and there are certainly tensions within the standards regarding the Law, to wit:

1) The standards appear to describe the Decalogue, albeit perhaps unintentionally, as a "perfect rule of righteousness":

19:1 God gave to Adam a law, as a covenant of works, by which he bound him and all his posterity to personal, entire, exact, and perpetual obedience, promised life upon the fulfilling, and threatened death upon the breach of it, and endued him with power and ability to keep it. 19:2 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...

Yet the very same standards expressly affirm that the sabbath day as designated in the Decalogue was "changed into the first day of the week" (WCF 21:7). How can a "perfect rule" be "changed"? Does not the very concept of perfection imply that any change would be a degradation? The complexity and difficulty here is due to the fact that some of the Assembly's language appears to identify the Decalogue with the moral law, whereas its language elsewhere manifestly distinguishes the Decalogue from the moral law.

2) The Decalogue may or may not be a "covenant of works"?

WCF 19:1-2 appear to teach that the Decalogue is, in some sense, a covenant of works: God gave to Adam a law, *as a covenant of works*, by which he bound him and all his posterity to personal, entire, exact, and perpetual obedience, promised life upon the fulfilling, and threatened death upon the breach of it, and endued him with power and ability to keep it. 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...

Yet later (19:6), the standards plainly teach that believers are not under the law as a covenant of works.

Although true believers 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...

Does this mean that the Israelites were not under the law as a covenant of works, or (more likely) that Christians are not under the law as a covenant of works? Whichever, we are manifestly not "under the law" in the same manner that either Adam or the Israelites were under it.

The teaching of the standards on the Decalogue is thus much more complex than presbytery's charges imply. It appears on the one hand to affirm that what was revealed to Adam, "as a covenant of works," obliged him and *all* his posterity, and "continued to be a perfect rule" to the Israelites; yet on the other hand, in the very same chapter the standards plainly deny that true believers are "under the law" in this same manner. Therefore, if Mr. Irons teaches that we are not under the law *as* the Israelites were under it, his teaching is not different from that of the confessional standards, which themselves teach that the relation of "true believers" to the law is different than Adam's (and, in all likelihood, Israel's) relation.

### **What is your opinion regarding the inference in the charge that the Decalogue, itself, is "the standard of holy living" for believers?**

Presbytery affirms of the Decalogue something the standards do not, in designating it as "*the* standard" of holy living. The standards themselves refer to the Decalogue as a place wherein the moral law is summarily comprehended; they do not refer to it as "the standard" or the exclusive standard, or as the exhaustive standard of holy living.

1. The confessional standards require that we acknowledge the *entirety* of holy scripture as the standard of our living: "WSC 1:3 Q What do the Scriptures principally teach? A The Scriptures principally teach, what man is to believe concerning God, and what duty God requires of man."
2. The proof-texts to the Larger and Shorter Catechisms's respective expositions of the Decalogue, manifestly imply that it is the *entirety* of the Holy Scriptures, not the Decalogue in and by itself, that constitute the standard of holy living. In so doing, it is also manifest that the standards perceive the Decalogue as a convenient *summary* of the teaching of holy scripture, and obligatory on Christian believers for that reason only.
3. If the standards had done otherwise, they would have violated the teaching of Holy Scripture.
  - a. Christ himself, on some occasions, referred either to the Shema (Dt. 6), or the combination of the Shema and Leviticus 19:18, as "the" summary standard of the Old Testament, even apart from considerations of how later New Testament revelation might add to our duty.
  - b. Christ taught his disciples another summary of our moral duty, one that had not yet been disclosed in the Decalogue: "A new commandment I give to you; that you love one another as I have loved you" (John 13:34).

c. The apostle Paul taught that the greatest virtue, and therefore the greatest summary of our moral duty, is charity: "Now abide faith, hope, and love, but the greatest of these is love."

4. The views of Mr. Irons are not novel; many orthodox reformed men have hesitated to affirm that the Decalogue, as handed down by Moses, obliges Christians.

a. Samuel Bolton summarized a variety of views known in his day on the matter, and recognized the existence of a view essentially identical to that of Mr. Irons, which Bolton himself did not embrace, but to which he had no objection. Here are his words, published in 1645, while the Westminster Assembly was still meeting:

"Again, others say that we are freed from the law, as given by Moses, are only tied to the obedience of it, as it is given in Christ: and though, they say, we are subject to those commands and that law which Moses gave, yet not as he gave it, but as Christ renews it, and as it comes out of His hand and from His authority: 'A new commandment I give unto you, that ye love one another' (John 13:34). It is a commandment, for Christ is both a Saviour and a Lord; and it is a new one, not that it did not exist before, but because now renewed, and because we have it immediately from the hands of Christ.

I shall not much quarrel with this. Acknowledge the moral 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 by Christ." (*The True Bounds of Christian Freedom*, p, 57).

As a simple historical fact, Samuel Bolton was never tried for any doctrinal errors; and his views were considered perfectly within the mainstream of the reformed tradition that framed the Westminster standards, since Bolton was a delegate thereto. He is widely considered to be an accurate student of the reformed heritage as it existed in the British isles in the days of the Westminster Assembly. Note then, that in the very generation in which the Assembly conducted its work, Samuel Bolton said there would be "no falling out, whether you take it (the moral law) as promulgated by Moses, or as handed to you and renewed by Christ." And yet, precisely the reason we are here this week-end is that this presbytery, apparently, *does* have a "falling out" with those who take the moral law not as promulgated by Moses, but as handed on by Christ. Mr. Irons' views are precisely those described by Bolton as a perfectly acceptable option within the reformed tradition that framed the Westminster standards. Therefore, to understand and teach those standards in a manner which the delegates to that Assembly recognized and approved as acceptable, is no violation of one's ordination vows.

b. Stuart Robinson, a border state Old School Presbyterian during the middle of the nineteenth century also recognized the profoundly covenantally-conditioned character of the Decalogue:

"You are now ready to ask--What then is the nature and purpose of the Sinai revelations: and what place and relation do they hold in the

gospel system? The answer to this question is not left to our conjecture or to mere ingenious inference. In much fuller detail than in the case of any of the preceding revelations is the whole matter expounded for us by the scriptures themselves. This is a *covenant transaction*, and this law, so called, constitutes simply *the stipulations of that covenant*. So it is expressly declared of it, 'The Lord our God made a *covenant* with us at Horeb.' It was ratified formally, as a *covenant*, when first received, the people being called upon solemnly to swear it, after it had been written down in a book." (Stuart Robinson, *Discourses of Redemption*. Richmond: Presbyterian Committee of Publication, 1866, p. 124, emphases mine.)

- c. Similarly, Geerhardus Vos, who taught at Princeton in the late nineteenth and early twentieth centuries, recognized that the Decalogue, in the precise form that it was given, was conditioned by the peculiarities of the Israelite theocracy, and therefore need not and indeed could not be appropriated directly to Christians without recognizing what he called "the abnormalities of Israel":

"It (the Decalogue) joins together the beginning and the end of the entire theocratic movement, the redeeming act of God, and the resultant state of holiness and conformity to the nature and will of God into which the theocracy is designed to issue. At the same time it gives these elements in a form that is adjusted to the practical needs and limitations of the people. Like the theocracy in general it hovers above the life of the people as an ideal never realizable, nor realizable at the then existing stage; and at the same time it descends into and condescends to the abnormalities of Israel." Geerhardus Vos, *Biblical Theology of the Old and New Testaments*, 129-30.

Therefore, it is not contrary to one's ordination vows in the Orthodox Presbyterian Church to deny what is predicated in presbytery's charge, to wit: that the Decalogue is "*the standard*" (emphasis mine) of holy living. The standards themselves only refer to the Decalogue as a place wherein the scriptural teaching on our duty is "summarily comprehended," which Mr. Irons has repeatedly affirmed. The entire Westminster tradition has recognized that it is permissible to recognize the distinct covenantal context within which the Decalogue was given; and it has therefore permitted a range of opinion on how best to describe this.

**Mr. Irons has expressed scruples with portions of WCF XIX, particularly paragraph 2. Do you believe his scruples to be novel, or have other Reformed theologians expressed similar concerns?**

I myself have registered the same scruple, because 19:2 *could* be understood as affirming that the Mosaic Decalogue was given to Adam. Such an understanding would be plainly in conflict with the apostle Paul's saying "Sin was in the world before the Law" (Rom. 5:13). Mr. Irons has the same concern about chapter nineteen that other orthodox men have had.

1. Referring to WCF 19:1-2, Patrick Fairbairn said:

"We should, however, mistake such language did we suppose it to mean, that there was either any formal promulgation of a moral law to Adam, or that the Decalogue, as embodying this law, was in precise form internally communicated by some special revelation to him. It was a brief and popular style of speech, intimating that by the constitution of his spiritual nature, taken in connection with the circumstances in which he was placed, he was bound, and knew that he was bound, to act according to the spirit and tenor of what was afterwards

formally set forth in the ten commands." (*The Revelation of Law in Scripture*. Edinburgh, T. & T. Clark, 1869, p. 46).

## 2. Herman Bavinck

"The view of the paradise state held by the Reformed, sober and yet so sound, emerges at a number of points. Against the Lutherans and Remonstrants they defended the view that Adam was certainly bound to the moral law, as well as the probation-command. He was not *ex lex*, although he fulfilled it without any compulsion, willingly and out of love. The moral law was known to Adam by nature and so, unlike the probation-command, did not need to be revealed to him in a special way. *In essence it is identical to the ten commandments but bears another form, for the law given on Sinai presupposes sin* and so is almost always expressed negatively: you shall not, while the moral law before the fall was much more positive. But just because by the nature of the case the moral law was entirely positive for Adam, it did not make the possibility of sin clear in Adam's consciousness. Thus along with the commands there had to come a prohibition, along with the moral law a positive law, along with the commandments whose naturalness and reasonableness Adam recognized, a commandment that in a certain sense was arbitrary and fortuitous. *In the probation-command the entire moral law was staked on a single throw, as it were, for Adam; for him the former incorporated the dilemma: God or man, God's authority or his own insight, unconditional obedience or independent investigation, faith or doubt*. It was a fearsome test that opened the way to eternal blessing or eternal destruction. [from *Gereformeerde Dogmatiek*, provided in private correspondence by Richard B. Gaffin, Jr., 5/20/93, emphases mine].

## 3. Meredith Kline.

It is needless to cite here Meredith Kline's many statements about the distinctive nature of the Israelite theocracy, or, therefore, the distinctive nature of her covenant stipulations, summarized in the Decalogue. And, while I recognize that Dr. Kline's views have not won the universal approval of his generation, as a matter of ecclesiastical-historical fact, neither he, nor Bavinck, nor Fairbairn, have had their views disqualified by any Reformed church.

**Do you agree with Mr. Irons when he argues that the Westminster divines intentionally left room for his formulation of the third use of the law in terms of "the Law of Christ"? Does the Samuel Bolton material support this conclusion?**

I am entirely persuaded, along with Sinclair Ferguson\* and Samuel Bolton, that the Westminster divines were quite self-conscious about embracing a broad range of views of this matter. They were very aware that there were differing biblical theologies and different hermeneutics at work among them, and therefore the theoretical formulation was deliberately somewhat ambiguous. The practical realities of church-life demanded that they be unambiguous on the *practice* of ethics; not on the *theory* by which it was derived. Thus, they created the Larger Catechism's magnificent treatise on the duties required and the sins prohibited in the moral law as the moral law was summarily comprehended in the Decalogue.

And proof of the fact that one can have a difference in hermeneutic without it effecting the practical question is right here: Has presbytery presented a single place in the Larger Catechism's exposition of the Decalogue, for instance, where Mr. Irons repudiates either the duty required or the sin prohibited? Which of the duties of the ninth commandment, for instance, as articulated in the Larger Catechism, does Mr. Irons deny? Which of the sins prohibited in the first commandment, as articulated in the Larger Catechisms, does Mr. Irons deny? (cf., "Response to

Charge Two," pp. 25f., 50, 55). If Mr. Irons taught, as prosecution alleges, that the Decalogue, as treated by the standards, is not a guide for holy living, would it not be easy to present many examples of where Mr. Irons urges behavior different than what is contained in the Larger Catechism's exposition of the Decalogue as a summary of God's moral will?

\*Sinclair Ferguson: "The language of the Confession of Faith in the mid-1640s might give the impression that the Puritan understanding of the law was univocal in every detail. That was hardly the case. For while many, perhaps the majority, regarded Sinai as essentially an expression of the covenant of grace, not a few held that the critical, almost pejorative language about Sinai and the law used in the New Testament required a different interpretation. Some regarded it essentially as a republication of the covenant of works ... While the mainstream Puritans held that the moral law continued to bind Christian believers, they denied that it did so as a covenant of works. Even if it were a covenant of works, believers were now released from it as such. But the temporary features of the Mosaic Covenant should not be confused with the commandments enshrined in it ... The Puritans debated whether the believer receives the law from the hands of Moses or from the hands of Christ, but however they answered that question, they stressed that no believer receives the law apart from Christ." ("Preaching the Law of God – Reformers and Puritans," in *Puritans and Spiritual Life: Papers Read at the 2001 Westminster Conference* [held annually at Westminster Chapel, London], pp. 15, 18.)