

# Recovering the Marrow Tradition in the Westminster Confession's Doctrine of the Law

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My thesis is that the doctrine of the Law in the Westminster Confession of Faith (WCF) is a composite work involving three historical layers of theological development. It begins with a foundational layer taken largely from the medieval tradition. The second layer added to the medieval foundation is the threefold use of the law, as developed by Luther, Melancthon, and Calvin. The third layer is the dual covenant theology of the Westminster Standards (*foedus operum, foedus gratiae*) as applied to the Mosaic covenant. However, there were two views among the divines concerning the Mosaic covenant. The majority held that it was a covenant of grace administered in the form of a covenant of works. Others held that it was a subservient covenant of works pertaining to the temporal blessings and curses in the land of Canaan. In keeping with this covenantal understanding of the Law, they also argued that the Law is not given to the new covenant people of God as promulgated by Moses, but as renewed and handed to us by Christ. This second view I call “the Marrow tradition on the Law.” Both groups were able to adopt the Confession, since the divines did not decide the question in favor of one view over the other but chose language that was capable of being interpreted in either sense.

After setting forth this historical-critical analysis, I then discuss 20<sup>th</sup> century developments, particularly examining how our *perception* of what the Confession teaches concerning the Mosaic Law has been influenced by O. T. Allis and John Murray. Allis and Murray provided a timely critique of dispensationalism in the 1930s–1950s. Unfortunately,

because dispensationalism taught that the Mosaic covenant was a genuine covenant of works, Allis and Murray over-reacted and taught that the Mosaic covenant was nothing but an administration of the covenant of grace. Thus, their critique of dispensationalism involved a departure from of the Westminster divines' conception of the Mosaic Law "as a covenant of works." The foundational influence of Murray, combined with the Reformed reaction against dispensationalism throughout the 20<sup>th</sup> century and continuing into the 21<sup>st</sup> century, has influenced many in the contemporary Reformed movement, with the result that Murray's views are assumed to be the only interpretation of the Westminster Confession.

## Layer One: The Law in Medieval Theology

I have chosen Thomas Aquinas as the representative of the medieval view. Aquinas in many ways simply sets forth in a systematic manner the harvest of medieval theology and exegesis concerning the Mosaic Law.<sup>1</sup> In his "Treatise of the Law," Aquinas begins by subdividing "law" into four categories (*Summa Theologica*, Part I of the Second Part, Q. 91, articles 1-4).<sup>2</sup>

Eternal law = God's own eternal nature

Natural law = man's participation in the eternal law by inborn light of reason

Human law = manmade laws given to regulate civil society

Divine law = God's revealed law (the Old Law and the New Law)

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<sup>1</sup> Stephen J. Casselli, "The Threefold Division of the Law in the Thought of Aquinas," *WTJ* 61 (1999): 175-207. Casselli references the work of Beryl Smalley: *The Study of the Bible in the Middle Ages* (Oxford: Clarendon, 1941); idem, "William of Auvergne, John of La Rochelle and St. Thomas Aquinas on the Old Law," in *Studies in Medieval Thought and Learning: From Abelard to Wyclif*, ed. Beryl Smalley (London: Hambledon, 1981), 121-36.

<sup>2</sup> Quotes taken from volume 20 of the *Great Books of the Western World*, ed. Robert Maynard Hutchins (Chicago: Encyclopedia Britannica, 1952).

Aquinas is not as "Thomistic" at this point as might be imagined. The concept of "natural law" as known today in the form of Roman Catholic ethical teaching does not seem to play a major role in Aquinas' "Treatise on the Law." He uses the term "natural law," but seems to mean basically the same thing that the Reformed tradition means by "the light of nature." He even appeals to the same text ("having the work of the law written on their hearts," Rom 2:14).

The natural law is promulgated by the very fact that God instilled it into man's mind so as to be known by him naturally (Q. 90, article 4).

The light of natural reason, by which we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the Divine light. It is therefore evident that the natural law is nothing else than the rational creature's participation of the eternal law (Q. 91, article 2).

We must say that the natural law, as to first common principles, is the same for all, both as to rectitude and as to knowledge ... The natural law is altogether unchangeable in its first principles (Q. 94, articles 4-5).

Natural law has been known by man, prior to the fall, but due to habitual sin, the light of reason has become dim, thus requiring God to reissue it in written form. This reissued form is the divine law.

And so the law of man, which, by the Divine ordinance, is allotted to him according to his proper natural condition, is that he should act in accordance with reason; and this law was so effective in the *primitive state* that nothing either beside or against reason could take man unawares. But when man turned his back on God, he fell under the influence of his sensual impulses (Q. 92, article 6).

The written law is said to be given for the correction of the natural law, either because it supplies what was wanting to the natural law, or because the natural law was perverted in the hearts of some men (Q. 94, article 5).

The first written form of the divine law is the Mosaic Law, which Aquinas referred to as "the Old Law." Aquinas further subdivides the Old Law into moral, judicial and ceremonial precepts. The moral precepts are retained in the New Law, because they constitute what is essential and absolutely obligatory concerning the conduct of every man, from the very fact that

he is man. The moral precepts are also identified with the natural law, but because human reason often forgets and corrupts the natural law it had to be given in written form. These moral precepts were solemnly promulgated in the Decalogue, which is sufficient to guide the whole moral life of man in the way of virtue.

We must therefore distinguish three kinds of precept in the Old Law; namely moral precepts, which are dictated by the natural law; ceremonial precepts, which are determinations of the Divine worship; and judicial precepts, which are determinations of the justice to be maintained among men (Q. 99, article 4).

The moral precepts, distinct from the ceremonial and judicial precepts, are about things pertaining of their very nature to good morals. Now since human morals depend on their relation to reason, which is the proper principle of human acts, those morals are called good which accord with reason, and those are called bad which are discordant from reason ... For there are certain things which the natural reason of every man, of its own accord and at once, judges to be done or not to be done: for example, Honour thy father and thy mother, and, Thou shalt not kill, Thou shalt not steal; and these belong to the law of nature absolutely (Q. 100, article 1).

Following Augustine, Aquinas held that the two tables of the Decalogue were not two complete copies of the treaty document, but corresponded to the two greatest commandments, love for God and for neighbor:

It is therefore necessary that the Divine law should contain in the first place precepts ordering man in his relations to God, and in the second place other precepts ordering man in his relations to other men who are his neighbors and live with him under God ... The precepts of the decalogue can be reduced to the precepts of charity. Now there was need for man to receive a precept about loving God and his neighbor (Q. 100, article 5).

The precepts of the first table, which direct us to God, contain the very order to the common and final good, which is God; while the precepts of the second table contain the order of justice to be observed among men ... Consequently the precepts of the decalogue admit of no dispensation whatever (Q. 100, article 8).

Furthermore, all the moral precepts scattered throughout the Mosaic Law, but not included in the Decalogue proper, are merely corollaries of one of the ten commandments:

“These other moral precepts added to the decalogue are reducible to the precepts of the decalogue, as so many corollaries” (Q. 100, article 11).

On the subject of the Sabbath, Aquinas held to the same view taken by the Puritans and the Westminster Confession, that it is partly moral and partly positive:

The commandment to observe the Sabbath is, in a sense, moral, in that it instructs man to reserve some time for worship ... It is under this description that it is counted among the commandments of the Decalogue. The specification of a particular time of worship, is not, properly speaking, part of the Decalogue, because in this sense the commandment is ceremonial (Q. 100, article 3).<sup>3</sup>

Some of the precepts include ceremonial matter, or a determination of a general moral precept; thus the first precept includes the determination, Thou shalt not make a graven thing; and in the third precept the Sabbath-day is fixed ... The commandment about the Sabbath has a determination joined to it that does not belong to the natural law (Q. 100, article 7).

The views of Aquinas on the subject of the Law were not entirely original with him, but represented the culmination of the entire medieval tradition, from Augustine on, although he contributed analytical refinement and systematic elaboration.

In sum, practically the entire doctrine of the law in the Westminster Confession is dependent on this medieval view as summarized by Aquinas. The following elements are carried over, with only slight modifications:

- An a-covenantal, deontological concept of law as timeless ethical standard
- Purpose of law: to promote virtue and justice among men
- Law given prior to the fall; the Decalogue merely a re-issuing thereof on account of the darkening of man’s mind on account of sin<sup>4</sup>

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<sup>3</sup> As translated by John Y. B. Hood, *Aquinas and the Jews* (Philadelphia: University of Pennsylvania Press, 1995), 48.

<sup>4</sup> Turretin shows his dependence on the medieval consensus when he writes: “Hence is easily gathered the reason why God wished to recall that law [of nature] by Moses, to deliver it to his people *viva voce*, and proclaimed it in a solemn manner, committing it to writing and comprehending it in the decalogue. For although in upright nature

- Two tables of the law: duty toward God and duty toward neighbor
- Threefold division of the law: moral precepts, ceremonial precepts, judicial precepts
- Ten commandments viewed as essentially moral precepts and labeled "the moral law"
- The Sabbath command as defining the time of worship, not as an eschatological sign
- Specific fixing of the day on which the Sabbath is to be observed being a positive or ceremonial aspect of a fundamentally moral command

It must of course be admitted that there are differences between Aquinas and the Westminster Confession. For example, the Westminster divines certainly developed their doctrine of the Sabbath in a much more detailed way than did Aquinas. But on the whole, the divines seem to have inherited and adopted as their own the basic outline of medieval thought with regard to the Law (law as timeless standard, two tables, threefold division, etc.).

## **Layer Two: The Law in the Reformation Period**

In response to the legalism of the late medieval tradition, Luther studied Paul's theology of the Law and rightly perceived in Paul a clear-cut antithesis between the Law and the Gospel. However, Luther did not fully develop that Law-Gospel contrast in the context of Paul's covenant theology, that is, his analysis of the Abrahamic covenant in terms of promise, and the Mosaic covenant in terms of works. Whereas Luther viewed the Law and the Gospel as timeless principles (the commands vs. the promises in the Bible), Paul said "these are two covenants" (Gal 4:24).

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there was no need of such a promulgation, still (after sin) so great was the blindness of mind, such the perversity of will and disturbance of the affections that only remains of this law survived in the hearts of all (like rubbed pictures of the same, which on that account ought to be retouched by the voice and hand of God as by a new brush)." Francis Turretin, *Institutes of Elenctic Theology*, trans. George Musgrave Giger; ed. James T. Dennison Jr. (Phillipsburg: P&R, 1994), 2.7 (Eleventh Topic, Question I, paragraph XXIII).

Because Luther failed to question the a-covenantal approach to the Law that he inherited from the medieval tradition, when he began to develop the *uses* of the law, he did so in *ordo* rather than *historia salutis* terms. The first use of the law is theological—to drive us to Christ (the primary use), and the second use is the political use—the law as curb upon sin in society. The second use is patently unconcerned with the covenantal progression of God’s purposes in history. The first use, however, may have been a good “first stab” at developing a covenantal conception of the Law in light of Paul’s statements concerning the pedagogical function of the Law in redemptive history. The problem is that Luther (perhaps without even realizing it) crammed Paul’s *historia salutis* reflections in Galatians 3 into an *ordo salutis* mold. The Law’s historical boundaries (430 years after the Abrahamic promise, and added “until Christ”) were ignored and the Law was turned into a timeless method of producing conviction of sin and driving sinners to Christ in all ages.

Further complicating matters, Agricola denied Luther’s theological use of the law. He did not think it was necessary to preach the law in order to terrify the conscience before a person could come to faith in Christ. A person could simply repent and believe in the gospel. Thus Agricola rejected the Lutheran homiletical method of preaching the terrors of the Law in order to prepare the way for the grace of the gospel. Agricola’s rejection of this homiletical method, it was feared, would have antinomian implications. As a counterbalance to Agricola, Melanchthon was the first to formulate the third use of the law, the law as a rule of life for the believer.<sup>5</sup> He first set forth the third use of the law in the year 1534. This in turn was the formative influence on the young Calvin, who employed Melanchthon’s three uses of the Law in his first edition of the *Institutes* in 1536. Although Calvin carried over the three uses of the Law from Melanchthon,

he switched the order of the first two uses. Just as Luther's first use of the law was formulated in *ordo salutis* terms (as that which convicts the sinner of his lost condition and drives him to Christ), so Calvin's third use of the law was directed to the individual Christian as a rule of life in sanctification.

The Westminster Larger Catechism (WLC) shows evidence of dependence upon the Melancthonian/Calvinian threefold use of the law. However, it develops the various "uses" of the Law according to three classes of persons: for all men, for the unregenerate, and for the regenerate (note the *ordo salutis* categories). The political use of the law is not explicitly mentioned here, but the pedagogical and normative uses are developed at length:

WLC # 95 Of what use is the moral law to all men?

WLC # 96 What particular use is there of the moral law to unregenerate men?

WLC # 97 What special use is there of the moral law to the regenerate?

The Westminster Confession and the Larger Catechism give evidence of being built on a medieval substratum, with the 16<sup>th</sup> century Reformation teaching concerning the three uses of the Law tacked on. Yet these are not the only layers in the historical evolution of the doctrine of the Law.

### **Layer Three: The Development of Covenant Theology**

Covenant theology has roots in the Swiss Reformers (Zwingli, Bullinger, Oecolampadius, and Calvin), but it is really developments after Calvin in the late 16<sup>th</sup> and early 17<sup>th</sup> century that we are concerned with at this point. For it is only then that the bi-covenantal formulation (*foedus*

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<sup>5</sup> Timothy Wengert, *Law and Gospel: Philip Melancthon's Debate with John Agricola of Eisleben over Poenitentia* (Grand Rapids: Baker, 1997).



*operum, foedus gratiae*) gets off the ground. This formulation is probably to be traced back to Olevianus on the continent and Robert Rollock in England. By the turn of the century, this bi-covenantal formula is pretty much in place. Further refinements occur in the mid to late 17<sup>th</sup> century, particularly in the area of the intratrinitarian covenant, or *pactum salutis* (e.g., Cocceius, Witsius, Owen), although even here there are 16<sup>th</sup> century adumbrations.

Warfield said that the covenant or federal theology of the Standards was its architectonic principle.<sup>6</sup> Covenant theology is by definition a historical study that focuses attention on both the aspects of continuity and discontinuity in the historical unfolding of God's relationship with man. The Westminster Larger Catechism puts it this way: "Was the covenant of grace always administered after one and the same manner? The covenant of grace was not always administered after the same manner, but the administrations of it under the Old Testament were different from those under the New" (WLC # 33).

In keeping with this sensitivity to covenantal issues, the Westminster Standards use the phrase "law, as a covenant of works" four times (WCF XIX.1, 6 [2x]; WLC # 97), indicating an awareness of the fact that the Decalogue cannot be understood apart from God's covenant with Israel. The Mosaic Law was thus understood to be in some sense a covenant of works that included blessings and curses. It is from this aspect of the Law that the new covenant believer has been delivered by virtue of Christ's "fulfilling the Law, and enduring the curse thereof in our stead" (WLC # 97).

The following are the key selections from the Confession and Larger Catechism, where the concept of the law as a covenant of works is employed, along with the original proof texts.

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<sup>6</sup> "The architectonic principle of the Westminster Confession is supplied by the schematization of the Federal theology." Benjamin B. Warfield, *The Works of Benjamin B. Warfield, Vol. VI, The Westminster Assembly and its Work* (Grand Rapids: Baker, 2000), 56.

The proof texts shed important light on the meaning of the phrase, since they are quite frequently taken from Paul's teaching in which he speaks of the *Mosaic* law as a covenant of works.

WCF XIX.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. (1)

(1) **Rom 10:5** For Moses describeth *the righteousness which is of the law*, That the man which doeth those things shall live by them. **Gal 3:10, 12** For as many as are of the works of the law are under the curse: for it is written, *Cursed is every one that continueth not in all things* which are written in the book of the law to do them ... And the law is not of faith: but, The man that *doeth them shall live in them*. [Also Gen 1:26-27; 2:17; Rom 2:14-15; 5:12, 19; Eccl 7:29; Job 28:28.]

WCF XIX.6: *Although true believers be not under the law as a covenant of works*, (2) *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 binds them to walk accordingly; discovering also the sinful 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 clearer sight of the need they have of Christ, and the perfection of His obedience. It is likewise of use to regenerate, to restrain their corruptions, in that it forbids sin; and *the threatenings of it serve to show what even their sins deserve, and what afflictions in this life they may expect for them, although freed from the curse thereof threatened in the law. The promises of it, 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.

(2) **Rom 6:14** For sin shall not have dominion over you: for ye are not under the law, but under grace. **Gal 2:16** Knowing that a man is not justified by the works of the law, but by the faith of Jesus Christ, even we have believed in Jesus Christ, that we might be justified by the faith of Christ, and not by the works of the law: for by the works of the law shall no flesh be justified. **Gal 3:13** Christ hath redeemed us from the curse of the law, being made a curse for us: for it is written, Cursed is every one that hangeth on a tree. **Gal 4:4-5** But when the fulness of the time was come, God sent forth his Son, made of a woman, made under the law, 5 To redeem them that were under the law, that we might receive the adoption of sons. **Acts 13:39** And by him all that believe are justified from all things, from which ye could not be justified by the law of Moses. **Rom 8:1** There is therefore now no condemnation to them which are in Christ Jesus, who walk not after the flesh, but after the Spirit.

WLC # 97 What special use is there of the moral law to the regenerate? A. *Although they that are regenerate, and believe in Christ, be delivered from the moral law as a covenant of works, (3) so as thereby they are neither justified nor condemned; yet, besides the general uses thereof common to them with all men, it is of special use, to show them how much they are bound to Christ for his fulfilling it, and enduring the curse thereof in their stead, and for their good; and thereby to provoke them to more thankfulness, and to express the same in their greater care to conform themselves thereunto as the rule of their obedience.*

(3) **Rom 6:14** For sin shall not have dominion over you: for *ye are not under the law, but under grace.* **Rom 7:4, 6** Wherefore, my brethren, ye also are *become dead to the law* by the body of Christ; that ye should be married to another, even to him who is raised from the dead, that we should bring forth fruit unto God ... But *now we are delivered from the law*, that being dead wherein we were held; that we should serve in newness of spirit, and not in the oldness of the letter. **Gal 4:4-5** But when the fulness of the time was come, God sent forth his Son, made of a woman, made under the law, *to redeem them that were under the law*, that we might receive the adoption of sons.

### **"The Law as a covenant of works"**

What do these statements concerning "the law as a covenant of works" mean? To answer this question, we must examine the contemporary testimony of one Westminster divine, Samuel Bolton. In his book, *The True Bounds of Christian Freedom*, published at the time of the Assembly in 1645, Bolton states that there are four views of the Mosaic covenant current among divines in his day.<sup>7</sup>

- 1) The Mosaic covenant was an actual covenant of works. Bolton rejects this view on the ground that God would never have made such a covenant with man after the fall, because no one man after the fall is able to keep the covenant of works.
- 2) The Mosaic covenant was a middle or mixed covenant, consisting partly of works, partly of grace. Bolton rejects this option as well, since grace and works can never be mixed without destroying grace.

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<sup>7</sup> Quotes and page numbers taken from the Banner of Truth "Puritan Paperbacks" edition (1994). The section in which Bolton deals with the various views of the Mosaic covenant is found on pp. 88-101.

This leaves two options, and Bolton thinks both are within the parameters of Reformed orthodoxy:

- 3) The Mosaic covenant was a subservient covenant, made with Israel until the coming of the Messiah, pertaining to the temporal blessings and curses in the land of Canaan. Bolton references Deut. 28. "Blessings in the possession of Canaan were promised to obedience, and curses and miseries to those who broke the covenant" (p. 95). Why is it called a subservient covenant? Because it was added "to this end, that God might thus encourage their hearts in the expectation of the Messiah to come" (p. 95). Thus, "though it stood upon opposite terms to the covenant of grace, [it] served the purposes of the covenant of grace subserviently" (p. 112). This was Bolton's own view: "I have not been convinced that it is ... disagreeable to the mind of God in Scripture" (p. 99). Bolton is referring here to another Reformed tradition on the Law that has Lutheran sympathies in terms of the Law-Gospel contrast, but defined in a covenantal framework, particularly expressed by Edward Fisher in *The Marrow of Modern Divinity* and later picked up by Thomas Boston and the Marrow men in the 1720s.
- 4) The Mosaic covenant was a covenant of grace more legally administered: "Though the law was given with merciful purposes ... yet it seems to reach man as though it were the repetition of another covenant of works under which man stands" (p. 101). This view held to the distinction between *form* and *substance*. Thus, one element of our freedom as new covenant believers, is that we are delivered from this rigorous outward administration that seems to bring condemnation and curse upon us. According to Bolton, the fourth view was the view held by "the majority of our most holy and learned divines" (p. 99).

Where am I going with this? We have seen that the first two historical layers (medieval and Reformation) in the Confession's doctrine of the law are a-covenantal and *ordo* driven. Luther came close to the Pauline view of the Law with his Law-Gospel contrast. But because he failed to see that Paul's Law-Gospel contrast was fundamentally a contrast of two covenant administrations (Abrahamic and Mosaic) he was not able to take his seminal insights to the next level. When Melancthon and Calvin developed the third use of the law, the Reformation took a couple of steps backward toward the medieval deontological tradition of the Law.

However, with the rise of covenant theology in the late 16<sup>th</sup> and early 17<sup>th</sup> centuries, with its dual covenants (*foedus operum* and *foedus gratiae*), the stage was set for Luther's Law-Gospel contrast to be formulated along Pauline, covenantal lines. The testimony of Bolton above demonstrates that there were two widely held traditions within the camp of Reformed orthodoxy on how this should be undertaken, particularly with reference to the nature of the Mosaic covenant—should it be classified as a covenant of works, or as a covenant of grace? Although one camp said "works" and the other "grace," even those who held that it was a covenant of grace recognized that the Mosaic covenant at least came in the outward form of a covenant of works. Thus, although they formulated it differently, both camps recognized a Law-Gospel contrast in terms of the unfolding of God's historical covenants with man.

This divided state of theological opinion was unresolved at Westminster. The Confession is worded in such a way as to accommodate both the third view and the fourth view.

Nevertheless, there was general agreement that the Law-Gospel contrast is covenantal in nature. Bolton states this explicitly: "Our divines in general reckon this to be one part of our freedom in Christ, that we are freed from *the law as a covenant*" (p. 98). Notice that this phrase "the law as a covenant" is precisely what we find in the Westminster Standards. Bolton's commentary helps us

resolve a very important question with regard to the proper interpretation of the Standards when they assert that the regenerate have been delivered from the law as a covenant of works.

The divines affirmed that the Mosaic law was *in some sense* a covenant of works, from which believers have been delivered. In view of the two positions that we know were represented at the Assembly, such language seems to have been crafted to be intentionally ambiguous so that both groups could subscribe to it according to their own sense. Both groups held that there was a sense in which the Mosaic Law was a covenant of works—either as a subservient covenant relating to temporal blessings and curses, or as to the legal rigor of the Mosaic administration of the covenant of grace. Therefore, both would have understood the believer's freedom from "the law as a covenant of works" as a redemptive historical transition from the old covenant to the new.

### **"The Law as given in the hands of Christ"**

Bolton also informs us that ...

It is one of the great disputes these days, whether this moral law is abrogated, or, in the words of the query, whether believers are freed from the moral law. All agree that we are freed from the curses and maledictions, from the indictments and accusations, from the compelling and irritations, and other particulars which we named before. But the question is, to put it in plain terms: Are believers freed from obedience to the moral law, that is, from the moral law as a rule of obedience? (pp. 56-57).

Bolton then lists the three main views at the time: the antinomian view, and two orthodox views—one traditional, the other from the Marrow tradition. These two orthodox views correspond to the two views of the works aspect of the Mosaic covenant that we have seen above.

- (1) The antinomian view: "Some there are who positively or peremptorily affirm that we are freed from the law as a rule, and are not, since Christ came, tied to the obedience of it" (p. 57).
- (2) Orthodox view A: "Others say that it still remains in force as a rule of obedience, though abolished in other respects ... We are still under the conduct and commands of the law, say these Christians, though not under its curses and penalties" (p. 57).
- (3) Orthodox view B: "Again, others say, that we are freed from the law, as given by Moses, and are only tied to the obedience of it, as it is given in Christ" (p. 57).

Those who held the fourth view of the Mosaic covenant said the law "remains in force as a rule of obedience" (orthodox view A). Those who held the Marrow view of the Mosaic covenant, we are not surprised to discover, held that we "are only tied to the obedience of it, as it is given in Christ" (orthodox view B). This indirect view of the law's authority for the new covenant Christian flows logically from their view that the Mosaic covenant is a subservient covenant of works. For if the Decalogue is part of the Mosaic covenant (indeed, it stands at the very heart of that covenant), and if the Mosaic covenant is a subservient covenant of works, and if we have been delivered from the covenant of works, then we have been delivered from the Mosaic law as a covenant. Since it is part of the Mosaic covenant of works, the Mosaic Law cannot be the form of the moral law that directly binds the believer in Christ.

Bolton himself holds to the "from the hand of Christ" view:

This again shows the rigour of the law, that it enforced itself upon the conscience with threats and with terror; but now the Gospel comes otherwise, with beseechings and with love. 'I beseech you, brethren, by the mercies of God' (Rom 12:1) ... The law urges obedience upon pain of eternal death (Deut 27:14-16; Gal 3:10), and enforces its demands by terror, but the Gospel by sweetness and love; all terror is gone. The book of the law was placed between the cherubim and under the mercy-seat, to tell us that, under the

Gospel, every law comes now to the saints from the mercy-seat ... We look not to Sinai, the hill of bondage, but to Sion, the mountain of grace (pp. 43, 58).

We are freed from the law, as given by Moses, and are only tied to the obedience of it, as it is given in Christ: and though ... 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 you, that ye love one another' (John 13:34) (p. 57).

What Bolton says next is important, since it shows that while the orthodox rejected the antinomian option, they recognized the legitimacy of views two and three (orthodox A and B):

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 ... This, I conceive, is the concurrent opinion of all divines (pp. 57-58).

Although Bolton's book was published a year before *The Marrow of Modern Divinity* by Edward Fisher, it seems that Marrow ideas were already well known. Note the similarity of Fisher's language:

Wherefore, neighbour Neophytus, seeing that you are now in Christ, beware that you receive not the ten commandments at the hand of God out of Christ, nor yet at the hands of Moses, but only at the hands of Christ; and so shall you be sure to receive them as the law of Christ.<sup>8</sup>

Thomas Boston comments at this point:

The receiving of the ten commandments at the hands of Christ, is here opposed, (1) To receiving them at the hands of God out of Christ. (2) To receiving them at the hands of Moses, namely, as our Lawgiver ... The first is a receiving them immediately from God, without a Mediator; and so receiving them as the law of works ... The former manner of receiving them is not agreeable to the state of real believers, since they never were, nor are given in that manner to believers in Christ ... The latter is not agreeable to the state of New Testament believers, since the true Mediator is come ... However, the not receiving of Moses as the lawgiver of the christian church, carries no prejudice to the honour of that faithful servant.<sup>9</sup>

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<sup>8</sup> Fisher, *The Marrow of Modern Divinity with notes by Thomas Boston* (Edmonton: Still Waters Revival Books, 1991), 173-75.

<sup>9</sup> *Ibid.*, 175.



John Colquhoun (1748-1827) was a Scottish minister influenced by the Marrow tradition.

He takes up this theme of the law as delivered from the hands of Christ as well:

This law issues to true Christians from Christ, the glorious Mediator of the New Covenant, and from God their Creator, Proprietor, Benefactor, and covenant God. It proceeds immediately from Jesus Christ, the blessed Mediator between God and men. It is taken in under the covenant of grace, and, in the hand of Christ, the Mediator of that covenant, it is given to all who believe in Him, and who are justified by faith, as the only rule of their obedience. The Apostle Paul accordingly calls it 'the law of Christ' (Galatians 6:2).<sup>10</sup>

In other words, as we might expect, this third historical layer in the development of the doctrine of the law, namely, the rise of the bi-covenantal system of covenant theology, had a significant affect on the doctrine of the law, in particular, the third use of the law. The more traditional-minded Reformed brethren, who held to Bolton's fourth view of the Mosaic covenant, were comfortable retaining the medieval/Reformation a-covenantal foundation without modification. The other Reformed brethren, belonging to what I have called the Marrow tradition of the law, were uncomfortable with an a-covenantal formulation of the third use of the law. As Fisher said, "Beware that you receive not the ten commandments at the hand of God out of Christ, nor yet at the hands of Moses, but only at the hands of Christ."

Admittedly, this explicit formula ("the law in the hands of Christ") did not make it into the Confession. Without the historical background provided by Bolton, it would be tempting to read the Confession narrowly as not permitting the Marrow tradition. But Bolton's contemporary testimony concerning the various views held by orthodox divines in his day, combined with the historical and covenantal teaching of "the law as a covenant of works," sheds light on how the Confession may be interpreted in a way that permits this alternative within Reformed orthodoxy.

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<sup>10</sup> John Colquhoun, *A Treatise on the Law and the Gospel* (Morgan, PA: Soli Deo Gloria, 1999, originally 1819), 26-27.

With the Bolton/Marrow view of the Law in mind, re-read WLC # 97 (quoted above): the regenerate are "*delivered* from the moral law as a covenant of works." The key word "delivered" is from Rom 7:6 and implies that the law was in some sense a covenant of works. Note the divines' proof texts: Rom 7:4, 6 (believers have "become dead to the law by the body of Christ" with the result that they are "delivered from the law") and Gal 4:4-5 (God sent his Son "to redeem them that were under the law"). Christ did not deliver believers from a misunderstanding of the law but from the law itself as a covenant of works.

## **Reaction to Dispensationalism**

I think it is fascinating that Bolton never mentions the view that the Mosaic covenant is a purely gracious covenant. And yet in current Reformed thought, this seems to be the view held by the vast majority (with a small band of Klineans crying out in the wilderness). How did the Marrow tradition get "lost" in the annals of history so that few today are even aware of it? Where did this view that the Mosaic covenant is a pure covenant of grace come from? It is not even clear that it was a widely-held view among Reformed theologians in the 17<sup>th</sup> century. This view, while perhaps foreshadowed in a few Puritan writers, seems to have taken root among contemporary Reformed thought as a reaction to dispensationalism. *In other words, the reaction against dispensationalism, while presented as an objective critique from the standpoint of historic covenant theology, has in fact led to a modification of covenant theology.* It is important to examine this development in 20<sup>th</sup> century Reformed thought, because it has significant implications for our view of the Law.

## Lewis Sperry Chafer

I begin with Chafer rather than Scofield due to his significance as the founder of Dallas Theological Seminary and his more systematic bent. Everything attributed here to Chafer could also be attributed to Scofield. First, although Chafer affirmed the Law-Gospel contrast, he incorrectly grounded this distinction in an unbiblical dichotomy between Israel and the church. Second, Chafer's conception of the works dimension in the Mosaic covenant was not that of Fisher, Bolton, Boston, and the Marrow men. Chafer taught that it was an actual covenant of works—a view that all of these men rejected. Chafer develops this by an extended exegesis of Exodus 19.

When the Law was proposed, the children of Israel deliberately forsook their position under the grace of God which had been their relationship to God until that day, and placed themselves under the Law ... In place of the eagles' wings by which they were carried unto God, they confidently chose a covenant of works when they said, 'All that the Lord hath spoken we will do.' They were called upon to face a concrete choice between the mercy of God which had followed them, and a new and hopeless covenant of works. They fell from grace.<sup>11</sup>

Chafer was a minister in the PCUS until he left over controversy over his views. The PCUS erected a study committee to study these new views. In 1944 the GA of that body concluded that his views were out of accord with the system of doctrine of the Westminster standards. Here is an interesting quote from the report:

It is the unanimous opinion of your Committee that Dispensationalism ... is out of accord with the system of doctrine set forth in the Confession of Faith, not primarily or simply in the field of eschatology, but because it attacks the very heart of the Theology of our Church, which is *unquestionably a Theology of one Covenant of Grace*.<sup>12</sup>

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<sup>11</sup> Lewis Sperry Chafer, *Systematic Theology* (Grand Rapids: Kregel, 1993), 4.162-63.

<sup>12</sup> Quoted by Daniel P. Fuller, *Gospel and Law: Contrast or Continuum?* (Eerdmans, 1980), 30. Not having the report itself, I cannot tell whether the mono-covenantalism espoused here is the variety that would embrace the pre-Fall *Adamic* covenant, or whether the affirmation of "one Covenant of Grace" is merely meant to deny that the *Mosaic* covenant can in any sense be considered a covenant of works.

## O. T. Allis

Allis wrote two articles critiquing dispensationalism, both published in 1936.<sup>13</sup> He begins with a critique of Scofield's exegesis of Exodus 19. Argues that the Abrahamic covenant and the Sinai covenant are both conditional, both requiring obedience, and both are administrations of the covenant of grace. He rests his argument primarily on Genesis 26:5: "Because that Abraham obeyed my voice and kept my charge, my commandments, my statutes, and my laws." Allis comments: "If there is any verse in the Bible which shows that the Abrahamic and the Mosaic Covenants are essentially one and the same in their requirements, it is this verse."<sup>14</sup>

## John Murray

Murray's exegetical method is the same as that of Allis. On the one hand, he argues that the Abrahamic covenant required obedience and was conditional. On the other hand, he claims that the Sinai covenant was gracious and involved the same union and communion offered in the Abrahamic. "The idea of conditional fulfilment is not something peculiar to the Mosaic covenant," since it is also present in the Abrahamic covenant.<sup>15</sup>

It is noteworthy that Murray recognizes that he is departing from a traditional conception of the Mosaic covenant:

The view that in the Mosaic covenant there is a repetition of the so-called covenant of works, current among covenant theologians, is a grave misconception ... The Mosaic

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<sup>13</sup> O. T. Allis, "Modern Dispensationalism and the Doctrine of the Unity of Scripture" and "Modern Dispensationalism and the Law of God," *The Evangelical Quarterly* 8 (1936): 22-35, 272-90.

<sup>14</sup> Although Allis departed from the Reformed tradition by making the Mosaic covenant purely gracious, he retained the traditional distinction between the Adamic covenant of works and the covenant of grace made after the fall (unlike Murray).

<sup>15</sup> John Murray, *The Covenant of Grace: A Biblico-Theological Study* (London: Tyndale, 1953), 20.

covenant was distinctly redemptive in character and was continuous with and extensive of the Abrahamic covenants.<sup>16</sup>

It appears to me that the covenant theology, notwithstanding the finesse of analysis with which it was worked out and the grandeur of its articulated systematization, needs recasting.<sup>17</sup>

Murray goes beyond Allis, however, since he jettisons the concept of a covenant of works altogether—not only Mosaic but also Adamic. A covenant, *by definition*, "is a sovereign administration of grace and promise."<sup>18</sup>

Preparing the way for the denial of sola fide by his successor, Norman Shepherd, Murray took these new formulations of covenant theology and ran with them. In the chapter "Law and Grace" in *Principles of Conduct*, Murray develops these thoughts in a dangerous direction:

Holiness, concretely and practically illustrated in obedience, is the means through which the fellowship entailed in the covenant relationship proceeds to its fruition and consummation ... Holiness [in the Mosaic covenant] was the condition of continuance in the enjoyment of the covenant blessings and the medium through which the covenant privilege realized its fruition ... In all of this the demand of obedience in the Mosaic covenant is principally identical with the same demand in the new covenant of the gospel economy ... Believers under the gospel continue in the covenant and in the enjoyment of its privileges because they continue in the fulfilment of the conditions; they continue in faith, love, hope, and obedience ... The goal ... is not reached irrespective of perseverance, but through perseverance. And this means nothing if it does not mean concentrated obedience to the will of Christ as expressed in his commandments ... Obedience as the appropriate and necessary expression of devotion to Christ does not find its place in a covenant of works or of merit but in a covenant that has its inception and end in pure grace.<sup>19</sup>

Murray sees the demand for obedience in the Mosaic covenant as "principally identical" with the demand for obedience in the Abrahamic covenant and the new covenant. In this way, the works principle of the Mosaic seeps into the new, bringing believers back into legal bondage.

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<sup>16</sup> John Murray, *The Collected Writings of John Murray* (Edinburgh: The Banner of Truth Trust, 1977), 2.50.

<sup>17</sup> Murray, *The Covenant of Grace*, 5.

<sup>18</sup> Murray, *The Covenant of Grace*, 31.

## Norman Shepherd

In *The Call of Grace* Shepherd begins with the same covenantal analysis of Allis and Murray. In Chapter 1, "The Abrahamic Covenant," he sets forth six arguments to demonstrate that the Abrahamic covenant is conditional upon obedience. Like Allis and Murray, Shepherd cites Genesis 26:5. "The promises are renewed and will be fulfilled *because* Abraham trusted God and walked in righteousness according to the word of the Lord."<sup>20</sup> In Chapter 2, "The Mosaic Covenant," he sets forth eight arguments in an effort to persuade his readers that the Mosaic covenant is not a covenant of works but a covenant of grace. Although the Abrahamic covenant sets promise in the foreground, it is not without obligation, and though the Mosaic covenant sets obligation in the foreground, it is not without promise. In Chapter 3, "The New Covenant," Shepherd ties both covenants together and shows that both promise and obligation are present in the new covenant.

## Greg Bahnsen

In his famous book, *Theonomy in Christian Ethics*, Bahnsen devotes Chapter 8, "Covenantal Unity," to the subject of covenant theology as the context for his view of the abiding authority of the Mosaic Law in exhaustive detail. He coins the term "the Older Covenant" to refer to the Mosaic covenant, because it is merely an older version of the new covenant. Both the Law and the Gospel are part of the continuum of grace. "The Older Covenant had the same goal, definitions, principles, operating power, and foundation as the New Covenant ... Because dispensationalism fails to see this, it characterizes the Mosaic period as law in contrast to grace,

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<sup>19</sup> John Murray, *Principles of Conduct* (Grand Rapids: Eerdmans, 1957), 198-200.

<sup>20</sup> Norman Shepherd, *The Call of Grace: How the Covenant Illuminates Salvation and Evangelism* (Phillipsburg: P&R, 2000), 17.

and the gospel period as grace in contrast to law." This is a "false antithesis," says Bahnsen.

Why? "Abraham was 'to keep the covenant' by obeying God's voice, and the Mosaic covenant ... promises the same intimate fellowship which was offered to Abraham."<sup>21</sup> Like Allis, Murray, and Shepherd before him, Bahnsen quotes Gen 26:5.

Also like Shepherd, Bahnsen sees fundamental continuity, not only between the Abrahamic and the Mosaic covenants, but between the pre-Fall covenant with Adam (which is conceived of as gracious) and all post-Fall covenants. "The New Testament saint, no less than the Older Testament saints or Adam in paradise, is committed to obey the law of His gracious God. If a man disobeys God's law, he has broken covenant with God .... This is just as true under the New Covenant as under the Older."<sup>22</sup> "Continued blessing for Adam in paradise, Israel in the promised land, and the Christian in the kingdom has been seen to be dependent upon persevering obedience to God's will as expressed in His law."<sup>23</sup>

### **Sociological factors**

Why is the Murray/Shepherd/Bahnsen mono-covenantal view becoming so popular in Reformed circles today? It is due to two main trends. The first trend is that of Arminian dispensationalists converting in large numbers to Reformed theology. New converts from dispensationalism are hungry for a corrective to their previous errors—their inability as dispensationalists to grasp the fundamental unity of Scripture, as well as the perceived "antinomianism" of their non-Lordship, higher-Christian-life upbringing (which, as those who have "been there, done that" know, is really the worst form of legalistic bondage). The

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<sup>21</sup> Greg L. Bahnsen, *Theonomy in Christian Ethics*, 2<sup>nd</sup> ed. (Phillipsburg: P&R, 1984), 187.

<sup>22</sup> *Ibid.*, 188.

<sup>23</sup> *Ibid.*, 203.

Allis/Murray/Shepherd/Bahnsen tradition of seeing strict continuity all along the line—from the Abrahamic covenant to the Mosaic covenant to the New covenant—appears to provide the answers these seekers are looking for. It brings unity to the Scriptures, and it affirms the third use of the law, and the necessity of obedience, as the “answer” to dispensational antinomianism.

The second trend is socio-political. While theonomy as a movement remains somewhat on the fringes, theonomic ideas (often called “theonomy with a little t”) are popular because of the heightened secularization of contemporary American culture since the cultural revolution of the 1960s. Many Reformed Christians, who boast in the “every area of life” mentality, are drawn to the political ideas of theonomy as a corrective to these trends. It is difficult to deny that Reformed Christians’ responses to the cultural trends of society at large have played a significant role in encouraging the widespread preference for seeing the Mosaic covenant as a covenant of grace continuous with the new covenant. The Mosaic covenant (far more than the New Testament) seems, *prima facie* at least, to provide answers to the broader societal trends that American evangelicals feel threatened by, as they experience rapidly declining influence in the corridors of political power and the media.

## **Retrieval of the Marrow View of the Law**

The doctrine of the Law has come to a crisis point due to a number of historical factors, primarily the rise of dispensationalism and the reaction that it triggered, combined with other socio-political forces and developments since the 1960s, such as theonomy. However, developments spawning a reaction in the opposite direction are leading some Reformed exegetes and theologians to revisit the Marrow tradition. This may partly be a reaction to the reaction itself. But it is also due to several highly significant exegetical discoveries and developments in



the last half of the 20<sup>th</sup> century that have yet to be fully integrated into a systematic treatment of the Law.

### **The Ancient Treaty Format**

The key insight Meredith G. Kline provided was something that should have been obvious, but due to the medieval tradition's emphasis on the law as a law-code, was somehow missed for ages: namely, the fact that the Decalogue is part of a covenant. Both law-codes and treaties are found in ancient Near Eastern (ANE) literature, but they are separate genres. If the Decalogue was merely a law-code, the Holy Spirit could have chosen the law-code form. Instead, the Decalogue was given in the form of a treaty or covenant, complete with preamble, historical prologue, stipulations, sanctions, witnesses, and documentary clause. The Decalogue is not a timeless law-code but a covenant. The fact that there are two copies of the covenant, and that both are deposited in the Ark of the Covenant, proves that it is a covenant, not a law-code. The Reformed tradition views the Decalogue as timeless law for all men, rather than as a historical covenant with a specific people, Israel.

T. David Gordon provides a humorous perspective at this point:

If it weren't for the Western tradition of Christendom, if we stepped out of that, if we were Mork and had just arrived on earth without any knowledge of religious traditions on this little sphere, and we looked at the actual record of Exodus 20 and Deuteronomy 5, just read them, I don't think we'd miss what they are. I think we'd say, 'Look! God's making a covenant.' And then someone would nudge Mork and say, 'Yeah, but there's a whole group of people that call themselves covenant theologians, and they've been missing this for years! How's that for an irony! Go figure!'<sup>24</sup>

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<sup>24</sup> T. David Gordon, Tape # 3 of "Paul's Understanding of the Law" (Westminster Media, 1996).

Furthermore, not only did Kline's work help clarify the covenantal nature of the Decalogue, but it showed that this was a particular *kind* of covenant—a covenant of works, not of grace. This insight was based on a study of the language of covenant ratification—"to cut a covenant." The ANE parallels show that this is a literal reference to the cutting of a sacrificial animal in a self-maledictory oath ritual. This enabled Kline to see clearly that the party who takes the oath is determinative of what sort of covenant it is. If God takes the oath, it is a sovereign guarantee of blessing—i.e., Abrahamic covenant in Genesis 15. If man takes the oath, as in Exodus 24, it is a conditional covenant of works.<sup>25</sup> Of course, even without the ANE parallels, we would have been able to figure out the sharp contrast between the Abrahamic promise and the Mosaic Law just by studying Paul (Gal 3-4). But seeing that every covenant is ratified by an oath, sworn either by man or by God, helped to bring this contrast into sharper focus.

Kline argues that Exodus 19-24 is

the record of the process of dispensing or making that particular covenant by oath and sacrifice (cf. Ps. 50:5). And the decisive feature in the covenanting process at Sinai, the act of sworn commitment, was performed by Israel ... dramatizing symbolically the curse sanction invoked in Israel's ratificatory oath against the defaulter. We are bound to conclude, then, that the covenantal transaction of Exodus 19-24 cannot be defined in terms of a unilateral promissory commitment from the divine side. This particular engagement was, on the contrary, constituted a covenant by Israel's formal pledging of obedience to God's law. It was a law covenant.<sup>26</sup>

Another result of Kline's study of the treaty format was a deeper appreciation of the *canonical* nature of treaty-covenants. A covenant is cut, and then a documentary witness to the covenant is written up, usually on a clay or stone tablet. Then there are documentary curses attached, warning anyone who would attempt to alter the terms of the covenant without the suzerain's approval. This discovery lies at the heart of Kline's *Structure of Biblical Authority*,

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<sup>25</sup> Meredith G. Kline, *By Oath Consigned* (Grand Rapids: Eerdmans, 1968), 16; idem, *Kingdom Prologue* (Eugene, OR: Wipf and Stock, 2006), 5.

where he shows that the Bible is really composed of two canons, or covenants: the old covenant and the new. "As politics for two different covenant orders, the Mosaic and the Messianic, the two covenantal canons stand over against one another, each in its own individual literary-legal unity and completeness .... The Old Testament is not the canon [i.e., covenant] of the Christian church."<sup>27</sup> All stipulations in the Bible belong to some particular covenant. The stipulations of the Mosaic covenant do not bind the new covenant church, only the stipulations of the new covenant do. However, all of the stipulations in the Mosaic covenant that were rooted in God's unchanging nature are re-issued in the new covenant, albeit in a form appropriate to that covenant.

### **Lexical Study of *Nomos***

There is near universal consensus, arrived at sometime in the last half century or so, that *nomos* in Paul never means "timeless moral law," but almost always means the Mosaic Law, i.e., the Sinai covenant as a unit.<sup>28</sup> There is no evidence that any Jewish writers in the first century ever divided the Mosaic law into moral, civil, and ceremonial precepts. So it is unlikely that Paul would have used *nomos* to mean the timeless moral law binding on all men in all ages.

Furthermore, it is clear that *nomos* has clear temporal boundaries. It was given after the fall, not before ("until the *nomos*, sin was in the world," Rom 5:13). It was given 430 years after the Abrahamic promise (Gal 3:17). The *nomos* was "added" (Gal 3:19) and "came in" after Adam's fall (Rom 5:20). Notice the chronological bookends of *nomos*: on the one side you have

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<sup>26</sup> Kline, *By Oath Consigned*, 18.

<sup>27</sup> Meredith G. Kline, *The Structure of Biblical Authority* (Grand Rapids: Eerdmans, 1972), 97, 99. Note that Kline is using the word "canon" here in a specialized sense as equivalent to "covenant" or "constitution." He is not denying the authority and inspiration of the Old Testament.

<sup>28</sup> Douglas J. Moo, "'Law,' 'Works of the Law,' and Legalism in Paul," *WTJ* 45 (1983): 73-100.

Sinai, on the other side you have Christ ("until the Seed should come"). In addition, the obligation to obey *nomos* is binding only to Israel: "All who have sinned apart from *nomos* will be judged apart from *nomos*, and all who have sinned under *nomos* will be judged by *nomos*" (Rom 2:12).

These conclusions regarding what Paul intends by *nomos* are pretty much accepted across the board, it even cuts across major theological lines—Dunn, Wright, Westerholm, Schreiner, Thielman, Moo. When Murray wrote his commentary on Romans in the 1950s he was working with out-dated lexical scholarship. This lexicography issue has huge implications: it demands a total reassessment of all the key texts in which Paul deals with the law. For example, it calls into question Murray's claim that "you are not under law but under grace" (Rom 6:14) is to be interpreted in *ordo salutis* terms as a pre-conversion/post-conversion contrast.<sup>29</sup>

### **The New Perspective on Paul**

Space does not permit a full description and assessment of the New Perspective. The main exponents today are E. P. Sanders, James D. G. Dunn, N. T. Wright, and others. In his 1977 work, Sanders touched off a debate on this question: Did first century Judaism demand meritorious law-keeping in order to achieve salvation, or did it teach covenantal nomism—you get in by grace and stay in by keeping the law? I am convinced that Sanders is basically correct in his description of (mainstream) Judaism. It did teach covenantal nomism. In other words, it taught that the gracious promises of the Abrahamic covenant were given to Israel by sovereign election, but individual Israelites will only inherit the promises by means of the works of the Law. This may not be the same thing as merit, but it is salvation by works nevertheless.

Where Sanders goes wrong is that he thinks Paul himself agreed with covenantal nomism, thus forcing Sanders to come up with an (unconvincing) explanation of Paul's critique of Judaism. I believe a case can be made to show that covenantal nomism is precisely the error that Paul denounces. Romans 2 would be the first place to start, since he does not seem to fault the Jews for thinking that they could merit salvation by works, but for failing to recognize that the standard of the law requires perfect works, and that by that standard they will ultimately be condemned on the day of judgment.

"Covenantal nomism" is an interesting phrase. The term "nomism" by itself, presumably, would not be an appropriate designation of Judaism, as that would seem to imply a strict legalism based on law-keeping. Thus Sanders adds the qualifier "covenantal" to show that the Jews viewed their efforts at keeping the law as occurring within the gracious framework of the Abrahamic covenant of promise and sovereign election. This may sound good to the likes of a Murray or a Shepherd, but to Paul this is the fundamental error of mixing law and grace. In Galatians 3 Paul argues persuasively that the Mosaic covenant is not based on faith, but demands works. The one who does not continue in all the things written in the book of the law, to do them, is under a curse. The law, then, did not come along as a codicil to the Abrahamic covenant, as if it were merely providing the means by which the Abrahamic blessings would be received or retained. For then the promises would be contingent on law-keeping, and the Abrahamic promise would cease to be a promise to begin with! Paul therefore explains the giving of the law as a temporary covenant, "added until the Seed should come," given for the purpose of setting the stage for the fulfillment of the Abrahamic promises made to the Seed. For the Jews (just as for Murray, Shepherd, and Bahnsen), the Law was God's gracious provision of the means by which

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<sup>29</sup> "Law" in this case must be understood in the general sense of law .... Hence to be 'under law' is to be

we inherit the blessings. For Paul, this is a fundamental misunderstanding of both the law and the promise.

All of this is beginning to become clear (or less muddy) to those that Charles Talbert identifies as belonging to "the post new perspective."<sup>30</sup> Not all of these post new perspective scholars are committed to the historic Law-Gospel contrast of Luther and the Reformation, but most of them do recognize the inherent Pelagianism of covenantal nomism, and see in Paul's critique of it something more than a critique of Jewish ethnocentrism, but a frontal assault on the perennial problem of man's reliance on works in order to be right with God.<sup>31</sup>

Many who belong to the post new perspective (Westerholm,<sup>32</sup> Moo,<sup>33</sup> Gordon,<sup>34</sup> Karlberg<sup>35</sup>) are also sensitive to recent exegetical discoveries that enable them to see more clearly

the bondservant of sin." Murray, *The Epistle to the Romans*, NICNT (Grand Rapids: Eerdmans, 1959), 1.228-29.

<sup>30</sup> Charles H. Talbert, "Paul, Judaism, and the Revisionists," *CBQ* 63 (2001): 1-22.

<sup>31</sup> Some post new perspective scholarship includes: D. A. Carson, Peter T. O'Brien, and Mark A. Seifrid, eds., *Justification and Variegated Nomism, Vol. I* (Tübingen: Mohr Siebeck; Grand Rapids: Baker Academic, 2001); Mark Adam Elliott, *The Survivors of Israel: A Reconsideration of the Theology of Pre-Christian Judaism* (Grand Rapids: Eerdmans, 2000); Seyoon Kim, *Paul and the New Perspective* (Grand Rapids: Eerdmans, 2002); Thomas R. Schreiner, *The Law and Its Fulfillment* (Grand Rapids: Baker, 1993); Peter Stuhlmacher, *Revisiting Paul's Doctrine of Justification*, with an essay by Donald A. Hagner (Downers Grove, IL: InterVarsity: 2001); Frank Thielman, *From Plight to Solution*, NovTSupp 61 (Leiden: Brill, 1989); Frank Thielman, *Paul and the Law* (Downers Grove, IL: InterVarsity, 1994).

<sup>32</sup> Stephen Westerholm: "Letter and Spirit: The Foundation of Pauline Ethics," *NTS* 30 (1984): 229-48; *Israel's Law and the Church's Faith: Paul and His Recent Interpreters* (Grand Rapids: Eerdmans, 1988); "Sinai as Viewed from Damascus: Paul's Re-evaluation of the Mosaic Law," in *The Road from Damascus: The Impact of Paul's Conversion on His Life, Thought, and Ministry*, ed. Richard N. Longenecker (Grand Rapids: Eerdmans, 1997), 147-65; "Paul and the Law in Romans 9-11," in *Paul and the Mosaic Law*, ed. James D. G. Dunn (Grand Rapids: Eerdmans, 2001), 215-37.

<sup>33</sup> Douglas J. Moo: "'Law,' 'Works of the Law,' and Legalism in Paul," *WTJ* 45 (1983): 73-100; "Jesus and the Authority of the Mosaic Law," *JSNT* 20 (1984): 3-49; "Paul and the Law in the Last Ten Years," *SJT* 40 (1987): 287-307; "The Law of Moses or the Law of Christ," in *Continuity and Discontinuity: Perspectives on the Relationship between the Old and New Testaments. Essays in Honor of S. Lewis Johnson, Jr.*, ed. J. S. Feinberg (Westchester: Crossway, 1988), 203-18; "The Law of Christ as the Fulfillment of the Law of Moses: A Modified Lutheran View," in *The Law, the Gospel, and the Modern Christian* (Grand Rapids: Zondervan, 1993), 83-90, 165-73, 218-25, 309-15, 319-76; "New Covenant Law," a lecture delivered at Westminster Theological Seminary in California (February 26, 2002).

<sup>34</sup> T. David Gordon: "The Problem at Galatia," *Interpretation* 41 (January 1987): 32-43; "A Note on ΠΑΙΔΑΓΩΓΟΣ in Galatians 3.24-25," *NTS* 35 (1989): 150-54; Review of *Galatians* (Word Biblical Commentary) by Richard N. Longenecker, *Themelios* 17 (April/May 1992): 28-29; "Why Israel Did Not Obtain Torah-Righteousness: A Translation Note on Rom 9:32," *WTJ* 54 (1992): 163-66; "Critique of Theonomy: A Taxonomy," *WTJ* 56 (1994): 23-43; Review of *The Climax of the Covenant* by N. T. Wright, *WTJ* 56 (1994): 197-201; "Paul's

Paul's view of the Mosaic Law in redemptive historical and Christocentric terms—although there are those who continue to defend the traditional categories. In any case, one element of the post new perspective is beginning to see that the Mosaic Law was never intended to function as a timeless expression of God's moral will, as a law-code for all men. It was given rather to turn sins into covenantal transgressions (Rom 5:20; Gal 3:19). That is why it was a covenant of works. This then set the stage for the incarnation of Christ who was born under the Law in order to fulfill it. If Christ's active and passive obedience are defined as his obedience under the Law, then clearly the Law must be a covenant of works. And if the Mosaic Law had a redemptive historical, covenantal purpose terminating in Christ's incarnation under it, then it simply cannot be morphed into an eternal rule of life without changing its fundamental character. In Christ, we are still obligated to conform ourselves to the unchanging moral will of God. But that moral will of God is not the same thing as the *nomos*, the Mosaic covenant. God's moral will continues to bind the believer, but always and only in terms of union with Christ, in whom we are both justified and progressively sanctified.

The bulk of these discussions have been taking place outside of the camp of Reformed orthodoxy. Kline and Gordon, however, are pushing some of us within the Reformed camp to take these exegetical developments seriously, assisting us in getting past the Murray tradition on the Law and thus enabling a modern retrieval of the Marrow tradition with the aid of up-to-date exegesis of the New Testament texts in light of modern scholarship.

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Understanding of the Law," 11 tape recordings of a course taught at Westminster Theological Seminary in Philadelphia (Westminster Media, 1996).

<sup>35</sup> Mark Karlberg, *Covenant Theology in Reformed Perspective* (Eugene, OR: Wipf and Stock, 2000).

## Conclusion

The Marrow tradition is really not new. It is simply an attempt, like Luther's Law-Gospel contrast, to recover Paul's redemptive historical critique of the Law in the service of clarifying the free grace of the gospel. When Paul confronted the Mosaicized (per)version of the gospel that was so popular in the church in his day, he realized that his anti-Law stance would be interpreted by many as opening the door for license and antinomianism. But he steadfastly refused to bring the Mosaic Law back into the new covenant in some harmless, non-meritorious form. Instead, he argued that the Law actually was ineffective in promoting holiness, and that the only way that men could be delivered from the dominion of sin, was by being transferred from under the Law to the new realm of grace that reigns in and through the law-keeping of Jesus Christ on our behalf. As Colquhoun said in his *Treatise on the Law and the Gospel*:

It is the inestimable privilege, as well as the indispensable duty, of all who have believed through grace to be "dead to the law" as a covenant of works. To be dead to it relatively, or with respect to their state, is their exalted privilege; and to become dead to it really, in the disposition of their minds, is their bound duty ... As the believer's living unto God, according to the law as a rule of life in the hand of the Mediator, is the necessary consequence or fruit of his having become dead to the law as a covenant of works, so his being dead to the law is necessary to his living unto God; so absolutely necessary that were he not dead to the law as a covenant, it would be utterly impossible for him to live unto God in conformity to the law as a rule (pp. 215, 236-37).