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Q&A#134 Ritual and Moral Law

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Today, I discuss the distinction between the moral and the ritual law, the threefold division of the Law, and natural and positive law.

Within the episode, I mention the Davenant Institute's continuing work modernizing Richard Hooker: <https://amzn.to/2EjG1ra> (individual volumes are also available—1. <https://amzn.to/2EjFzco> 2. <https://amzn.to/2EhKudO> 3. <https://amzn.to/2HsBFji> 4. <https://amzn.to/2Em460n>). I also recommend Brad Littlejohn's introduction to the work of Richard Hooker: <https://amzn.to/2HsChFC>.

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Transcript

Welcome back. Today's question is, I'm curious if you could speak on the hermeneutical idea of understanding the ritual versus the moral implications of the law. I've heard scholars utilize this principle in describing Paul's understanding of the law as being fulfilled in Jesus, the ritual law, hence his condemnation of Judaizers, but that he doubles down on the moral implications of the law, especially as it has to do with sexual ethics.

I would be very interested to hear your thoughts. The distinction of the law or the vision of the law into various parts is one that's been around for quite a while. Even going back to Aquinas and beforehand, we see the division of the law into the moral law, the ceremonial law, and the judicial law.

In the work of the reformers, this was taken up in the tripartite division of the law, the threefold division of the law as the moral law, the ceremonial or the ritual law, and the civil or judicial law. And that division can be briefly outlined as follows. The civil or the judicial law concerns those things that relate to the polity of Israel as established by God.

So specific positive laws that are applied to the life and society of Israel. So think about things like fire breaking out on your land and spreading into your neighbor's property. That is dealt with under the civil law of Israel that we find within the books of Exodus, Leviticus, Numbers, and Deuteronomy.

And that law is established by God and it applies for that particular nation. Then we have things, I mean, other examples of this could be the laws for the king. We could think about the examples of specific punishments and sanctions for abuses or crimes against particular persons.

So how much you have to give in restitution if you take a cow or if you take a goat or something like that. We can also think about examples such as the cities of refuge. That would be another example of something that comes under the civil law of Israel.

And it's a positive law of God that's established for the life of Israel. We have case laws and statutes and other things like that. The ceremonial law or the ritual law concerns the worship of Israel and the religion of Israel, its public practice of its faith.

So we can think of things like circumcision or the celebration of the Passover or the sacrifices. All of those fall under the category of the ritual or the ceremonial law. Now, those laws are often not easy to categorize.

And that helps us to recognize that the distinction between moral, ceremonial, and civil is not a tidy one. We're rather talking about aspects than different parts. And to get into this a bit more, we need to think about the moral law, which is the unchanging and the universal law that applies in all times and places to every person.

And it's based upon the very nature of God. It's based upon the eternal divine law. Now, it's a philosophical question that's been raised over the years called the Uthophro dilemma.

Is something good because God says it is good or evil because God says it is evil? Or does God say that something is evil or good because it is evil or good? So, for instance, could God create a world in which murder was good and we should murder as much as possible? Or could God create a world in which adultery was a positive thing? Or in which

honoring your father and mother was something to be avoided at all costs? Now, we recognize, I think, even by instinct that these commandments are not just established by divine feats in an arbitrary manner. Rather, they are something about the very nature of the proper relationships between persons. They're part of the natural created order that is supposed to run this way.

And so we think about the moral law as natural law found in the very nature of God and in the nature of his creation. That these are things that principles that hold universally and they hold in an unchanging fashion. So they don't change from time to time.

In distinction from natural law, we have positive law. Positive law can be seen in a great many different contexts. So when your parents, when your kid tell you not to stand up on the table and jump up and down, that is parental positive law.

It's giving you a specific command on the basis of parental authority. And it's for your good and it's for the good of the table and it's for the good of the order of the household. Now, that's based upon the authority of your parents and your duty to honor your father and mother.

That's where it gets its force from in many ways. It's based upon natural law and the moral law, but it's not just comprehended within the natural law. It's related to a specific situation and of specific polity and a specific order that it's designed to preserve.

There are some houses that may not have that law concerning standing up on the table and jumping up and down. But in your house, you do have that law and that law is in place so that you won't injure yourself, so that you won't damage the table and also to establish a reasonable and ordered household situation. So there is not chaos going on wherever you find children in the house.

And so positive law and natural law are not detached from each other. They're intertwined in a great many different ways. Positive law enacts and relates natural law to specific situations.

And when we think about the case law in scripture, we might think about it most helpfully that way. It's relating the unchanging and timeless and universal moral law into a specific situation in time, into specific sorts of contexts and towards specific problems. It's dealing with an unusual society though, a society that's very different from our own.

It's a society that does not have modern technology, that does not have the internet, that does not have genetic engineering. It is a society that still practices forms of slavery. It's a society that has forms of polygamy and other things like that.

And the law is adapted to that. It's not a timeless moral order that we see within Israel. There are ways in which the problems and the social dysfunctions and the immaturity and other things like that that exist within that time are accommodated, not just

legislated against.

Now the moral law, the unchanging, the universal moral law can push beyond, in many ways, the time-bound and concrete situational application of the law that we see within the life of Israel. So there are ways in which the context of Israel in that particular period of time includes the practice of slavery and there are laws that address that practice. But the moral law pushes beyond that.

It pushes towards a situation where we recognise that slavery is not a good thing. And there are ways in which we seek to push against specific polities based upon positive law that may not be bad in themselves, but they are accommodated to realities that we need to mature beyond. And so we need to recognise that the law of Israel is not a timeless, unchanging thing.

It's based upon the natural and the moral law, but it is not something that can be applied in every situation. Rather, we can learn from it as we see principles that are unchanging, that are universal, being applied to a very specific situation, because we have to do much of the same thing in our specific polities. Now, the distinction between positive and natural law is also one to keep in mind when we think about the way that many people would collapse all of the law into the concept of positive law.

So all law is divinely positive law, that God commands something to be the case and therefore it is good or evil as a result. That's not a helpful way of viewing things. There are some laws that are based upon just divine command and based upon divine authority, something like the specific way that you celebrate a particular sacrifice.

Now, if God said that the sacrifice should be celebrated in a different way, would he be undermining his very nature? No, I don't believe he would. But if he declared that it was good to murder, he would be. There's a recognition that these are different types of laws, that there are laws that are true by the very nature of the way that God is, of who God is and the way the world is as he has created it.

And then there are certain laws that are merely applications to a specific situation. And maybe in your house you do things in a particular way, in another house you do something differently. For instance, in the UK, we drive on the left-hand side of the road.

And that's based ultimately upon the moral law. We want to have a society where we do not kill each other. And so we have laws to ensure that we have orderly traffic, that we're not bumping into each other, that we're not having situations where people are at risk of being wounded or killed.

Now, there are a whole host of positive laws associated with our road system. We can think about laws about traffic lights or about stop signs or about overtaking or about what you do at an intersection. All these sorts of things, or at a roundabout.

All of these things are human positive law. Ultimately, they're based upon the moral law, which is that we do not want to murder each other. We do not want to kill each other.

And so to avoid that, we have all these other human positive laws in place to protect us from that. Now, if you go to a different country, they'll have a lot of different sorts of rules of the road. There's lots of similarities, but there are significant differences because these are human positive laws that are adapted to specific situations.

They will have a different speed limit. They will have maybe different rules concerning parking, or they may have different rules concerning what cars are legal to drive on the road, what vehicles are legal to drive on the road, or maybe something about the side of the road that you drive on. All of these things can differ from polity to polity.

And that's human positive law. And we can think about much of the law in scripture as divine positive law. But we don't need divine positive law for every situation.

There's a recognition that there is divine principles in creation, that we have moral law, that we have the natural law. And we can discern these things by reason, by reflection upon the world. You don't have to tell people for the most part that murder is not a good thing to do.

The divine law that is given in the Ten Commandments illumines that, but people for the most part know these things already. C.S. Lewis observes this in his book, *The Abolition of Man*, as he talks about the Tao. And as you go from society to society, you'll notice great commonalities in the moral principles that people hold.

Because these principles aren't arbitrary. These principles aren't just established by divine law. As God speaks and declares, Oh, hey guys, murder's wrong.

Adultery's not something you should be doing. God establishes these things. But in so doing, he illumines what is true of nature itself, what is true of his being, what is true about the very structure of the world.

Now, those sorts of things are very different from laws concerning the Passover or laws concerning circumcision. We might think about circumcision, for instance, as something that's related to the natural meaning of the body in different respects. But you can't deduce circumcision and its meaning from nature.

You can recognize certain ways in which its meaning and its purpose, as it's given to Abraham in chapter 17 of Genesis, that it's an apt and a suitable and a fitting meaning. But it's not something that you can derive from nature. In other societies, you'll see circumcision being practiced independently of the influence of Israel.

But that practice will have similar sorts of meanings because it's dealing with the natural meaning of the body. But the differences are significant, too. And you're not going to

derive Judaism or Christianity from nature itself.

It's not a timeless, universal and unchanging moral principle in the same way as we see within the moral law. The Ten Commandments are particularly, or the Ten Words, are particularly related to the moral law. They're particularly related to this timeless, unchanging and universal set of moral principles.

Now, something like the law concerning the Sabbath may be different from that in different respects. But for the most part, the Ten Words relate to timeless moral principles that should apply in every situation, in every society, to every person. Those laws are fleshed out in the larger body of literature that we find within the Pentateuch.

And that includes a whole host of positive laws that relate that law to specific situations. Now, in our society, we have unique circumstances that will require a different set of positive laws from those which we find in Scripture. Those positive laws that relate the natural and the moral law to a specific circumstance in life.

And in those respects, we might think, for instance, how do you deal with the question of punishments? What's a proper punishment for a particular crime? There are ways in which that is controlled by the moral law, by recognition that there are excessive punishments and brutal punishments, and there are forms of punishment that are not fitting to the crime. They are not sufficiently strong. And so the moral law has bearing upon that question.

But different societies will have to decide that sort of question for themselves. And the Reformers and others have recognised this distinction between natural law and positive law as a very important one. And it helps us to understand how that threefold division of the law is actually playing out in practice.

And the reason for the changes in the ceremonial or the ritual law and the changes in the civil law have to do with the changes in circumstance. So the moral law still applies. It hasn't changed.

But our circumstances have changed. And so the civil law and the ceremonial law change with that. Let's think of some examples.

We don't celebrate the Passover anymore. Well, in some sense we do. We do celebrate the Passover.

We celebrate in the practice of the Lord's Supper. The Lord's Supper that was instituted in the context of the Passover celebration that's connected with the death of the Passover lamb, with the Passover meal connected with the sacrifice of Christ as the true Passover sacrifice for us. And we're supposed to celebrate in a way that is based upon the symbolism of the Passover meal.

We see that within 1 Corinthians 5 and elsewhere. And so we continue to celebrate this in a way, but it's been transformed. The Passover requirements that we find in Exodus 12 are not unchanging and universal and timeless.

They were given to a specific people in a particular period of time and related to their experience in a specific way. Now, we are related to the life of Israel. And so it also applies to us, but in a way that has died and risen again.

And this can be a helpful way to think about the ceremonial law. The ceremonial law is not just done away with and abandoned. It's continued, but it's continued in a new form.

It dies with Christ and it raises again. The old covenant no longer applies in the same way, but the new covenant applies the same principles, the same symbolism, the same ultimate symbolic matrix is in effect, but it's being conjugated differently because we live in a new age of history. So when we celebrate baptism, baptism is based upon a whole host of things within the old covenant that continues and that's related to.

But it's a new thing. It's something that takes what was existing and the symbolism attached to that and relates that to a new situation, a new situation established by Christ. Now, we don't celebrate circumcision anymore because Christ has been circumcised for us.

Christ was the circumcision of Christ is his cross. The flesh ultimately being cut off. Now, why would you celebrate a ritual symbolizing the cutting off of the flesh when the flesh has been decisively cut off in the same way? Why would you continue to celebrate the Sabbath as the recognition of the final day of rest of the old creation and also commemorating, as we see in Deuteronomy, chapter five, Israel's rescue from Egypt? Why would you celebrate that in quite the same way when we have a new creation and a new redemption in Christ associated with the first day of the week? And so the same principle is in effect one day in seven, but the principle has changed in its application because times have changed.

And so when we're thinking about the ritual and the moral law, the moral law is often foundational to the ritual. It's foundational in the sense that God is the one that establishes the ritual law and not having any other God before God and not being idolaters, worshipping God in a way of our own devising and honouring God's name and obeying him in a way that brings honour to his name. And then celebrating the Sabbath day in a way that honours God in our use of time.

All of these things will found our practice of things like meeting together on Sunday. It's our celebration of the Lord's Supper or our celebration of baptism. These are all fundamental principles within the basic moral or natural law.

But they're played out differently as relates the symbolic matrix that is referred to by the

ritual law. As you look through the New Testament, you'll notice that there's not a whole lot said about just saying that these laws are completely dispensed with. They don't matter at all.

They have no significance to us at all. There's a lot that's said about the commandments no longer being in effect in the same way. But when you read through Paul, when you read through Hebrews, when you read through other things like that, these laws are fulfilled, not just abandoned, left on the side of the road, as it were.

What we have is them being fulfilled by Christ in his death and resurrection and in the continuing worship of the church. And so it's not that these laws were just, oh, they're for a different time. We can completely dispense with them.

Rather, there's the recognition that the order of the tabernacle, the order of the sacrifices, things like circumcision, all these things are things that we should reflect upon and recognise that they've been fulfilled, not just abandoned. That God didn't say, oh, that was a bad idea. I've dispensed with all these old commandments.

They're passé. I'm not really interested in these things anymore. You do things in a different way.

Rather, there's a lot of attention given to the way that these things are fulfilled in Christ. And so they're not just abolished, but they're brought through death and resurrection into a new form. So we still celebrate a sacrifice of thanksgiving, which is based upon the sacrifice in Leviticus.

We still celebrate something that is connected with the memorial sacrifice or the peace offering. These things continue within the life of the church, but they continue in a way that's based upon what Christ has done and that recognises that change that has occurred in history. When we think about the civil law, things are slightly different.

There is no nation that has quite the same status as Israel did. And there are a lot of things that have changed about our society. A lot of the laws that were given to Israel were not necessarily the sorts of laws that we'd want to have applied today.

Even when Christ talks about the laws of Israel, he registers the fact that some of the laws that Israel received were accommodations to their sinfulness. And any good law will recognise the people that it's being applied to. There are situations when we will have to accommodate sinful practices, when we will have to accommodate less than mature societies, societies where things are still in effect that are not ideal.

So a society that still practices polygamy or slavery in the case of the Old Testament. The law accommodates that and it pushes beyond that, but it accommodates that reality. And when we think about our own society, we will have to make similar sorts of accommodations to the reality of our society.

Because law is undermined in situations where you have this ideal law that doesn't actually have any force in practice. That just undermines authorities. And so mitigating sin and seeking to push in a particular direction without actually directly proscribing something is a characteristic of good legal systems for the most part.

When we think then about the divisions between the different aspects of the law, we can also think about the fact that we do not need positive law for everything. There have been some people who have thought about the life of the church as something that needs specific commandments for every single aspect of its life. So if your pastor is going to preach, we need a law that says divine commandment or some divine principle that says what posture he should adopt when he's doing that.

Now, of course, we don't need that sort of thing. We have our brains, we have reason. And that's really what we have to use a lot of the time in getting natural law, these natural principles of the moral law that we discern from reason, from the creation that are illumined by the Ten Commandments and other parts of scripture, and get those and apply those using the principles of equity and the principles of jurisprudence that we can learn from the case law and scripture, applying those to specific situations within our society and our specific polities that we find within the church, within our families, within our more general society.

And if you're hoping to have a very clear divine command of everything that you should do, everything that you should legislate, and a full body of laws, you're not going to find that in scripture because it just isn't there. What we do have are the fundamental principles of the moral law and then some principles of equity and jurisprudence by which we can discern prudentially how to apply those moral principles to a specific society or a specific situation. The other thing that we should recognise with this is the way in which we do not need... that we should recognise the way in which there needs to be a movement between natural law and positive law.

The natural law and positive law are not detached from each other. So it's not that every society has the right to make whatever laws they want. Rather, we need to recognise that a good law is based upon a deep apprehension of the moral law and then considering how to apply that in a just manner, in an equitable and prudent manner to a specific situation.

Someone like Richard Hooker is very good to read on this. There's been a lot of confusion on this issue because people have not drawn careful distinctions. But yet much of the work has been done.

If we go back to the history, we can see that the work has been done in dividing the law into different aspects, recognising that these things are always intertwined. But through that division, through that clarification into different aspects, we avoid a great deal of problems that many people today are falling into. Problems that lead to an over-

dependence upon divine positive law when we have the natural law and the divine law that's given in places like the Ten Commandments that illumines the natural moral law and that helps us to work out human positive law in specific situations.

Then there's a failure to recognise the distinction between positive law and moral law and the raising of positive law to the level of the moral law and a failure to recognise that that can change from time to time. And then there can further be a failure to recognise that the moral law is built into the very fabric of reality. It's built upon who God is himself.

And when you compare that just to the positive law that we find elsewhere in scripture and see that those things are on the same level, you'll end up with a great deal of confusion and it can cause severe problems. A lot of the theonomic reconstructionist movement is based upon just such confusions about the concept of law. And there's a lot of talk today that is founded upon just a failure to apprehend these distinctions.

When we're talking about the New Covenant, we can think about the ritual law as something that continues the ritual law of the Old Covenant because we're continuing the life of Israel in various ways. But that ritual law has gone through a death and resurrection. When we're talking about it's based upon a divine positive law, but there's a continuing order that we find within the life of the church, which means that that order is not just dispensed with and we have a new one cut from a completely different cloth.

Rather, there's a continuation, but a transformation. When we're talking about civil or judicial law, there is a far more significant break between the Old Covenant, where you're dealing with a specific nation within a specific context, within specific historical and sociological conditions, and then a situation that we have today, where we do not have nations that are founded upon the same covenantal order. And there are a great deal of changes in our social situation.

But yet you can deduce principles of justice from the Old Testament law. You can see things like the need to recognise differences between different sorts of property. So the sort of restitution that you need to make for a piece of property that is productive property, your bull, for instance, that's going to be pulling your... or your oxen that are going to be pulling your plough, you have to give a greater degree of restitution for that than something that is not productive property.

And these sorts of distinctions are distinctions that we can learn from, but we're not just adopting those laws wholesale. Putting all these things together, I think we can find a great deal of illumination looking through the Old Testament law, particularly as we relate the part to the whole. And perhaps thinking about something like the Ten Commandments as refracted into the case law and addressed to concrete and particular situations.

So at the same time, you see a specific commandment that relates to the life of Israel and a specific context and type of society in history. But then you see the deeper moral principle upon which that is based, upon the root that that is conjugating into that specific contextual and temporal situation. And as we relate those parts to whole, as we go throughout the Old Testament and the law in particular, we'll have a better understanding of the wisdom by which we can apply the moral law to our specific social situations.

I hope that this helps to answer some of the question. There are a great deal more things to get into here. I'd recommend reading someone like Richard Hooker on the subject.

He's dealt with this at great length and in very illuminating detail. The work of the Davidin Institute in modernising the Hooker volumes is invaluable. I recommend you look at those.

Also, Brad Littlejohn's introduction to the work of Richard Hooker. I'll give the links to all of those in the notes. Thank you very much for listening.

If you have any questions, please leave them on my Curious Cat account. If you would like to support this and other videos or podcasts like it, please do so using my Patreon or my PayPal accounts. God bless and thank you for listening.