The Threefold Division of the Law

# A. Introduction

* NB: the threefold division is not an *a priori* grid *imposed* on the law from the outside. Rather, an ‘*a posteriori* framework derived from the patterns Scripture as a whole establishes’.[[1]](#footnote-1)

## Defining the Threefold Division

* Moral – judicial/civil – ceremonial

The Mosaic law does not apply without exception to the Christian, but nor can we dispense with it altogether. One part of the law is non-binding, another binding in its underlying principles, and another ever-binding.[[2]](#footnote-2)

* **Ceremonial law** – non-binding
* **Judicial law** – ‘The Christian is not bound to obey the Mosaic civil code in detail, but the moral principles at the heart of the civil law still bind.’[[3]](#footnote-3)
* ‘To them also, as a body politick, he gave sundry judicial laws, which expired together with the state of that people, not obliging any other now, further than the general equity thereof may require.’ (WCF XIX.4)
* **Moral law** – Decalogue – ever binding ‘without exception’.
* ‘catholic doctrine’[[4]](#footnote-4)
* For patristic antecedents, see Ross, *Finger of God*, 19-29, citing twofold or threefold division in Irenaeus, Clement of Alexandria, Tertullian, Justin Martyr, Augustine.
* Thomas Aquinas, *Summa Theologiae*, I.99[[5]](#footnote-5)
* Reformed doctrine:
* Article VII of 39 Articles; Second Helvetic Confession, XII; Westminster Confession of Faith, XIX.

# B. Objections to the Threefold Division

* OT Law is a *covenant* law – belongs within the Sinai covenant[[6]](#footnote-6) – shouldn’t be assumed to apply directly in the new covenant
* 1st century Jews, and the NT, regard the law as a unity.[[7]](#footnote-7)
* And the *whole* law, not just ceremonial and judicial aspects, fulfilled in Christ.
* The Division is Artificial
* ‘arbitrary and artificial’, albeit ‘a convenient framework’.[[8]](#footnote-8)
* Hard to distinguish moral from judicial and ceremonial
* ‘much of the civil legislation is grounded on moral judgments, often expressed in the ten commandments’[[9]](#footnote-9)
* Even Decalogue not simply ‘moral’

the Decalogue holds pride of place; but it is not easy even within the Ten Commandments to disnguihs clearly between what is ‘moral – and therefore, it is assumed, eternal – and what is not.[[10]](#footnote-10)

* E.g., promise of life going well and long life *in the land* (5th commandment) universalised to ‘on the earth’ (Eph 6:2-3); and Sabbath commandment – ‘an even thornier problem’[[11]](#footnote-11) – seventh day = ‘ceremonial’.

## An Alternative Fivefold Taxonomy[[12]](#footnote-12)

* **(i) Criminal law** – i.e., offences against the whole community
* (contrast civil law which governs private disputes between citizens)
* Often involves capital punishment for offences connected to Decalogue
* **(ii) Case law** (e.g., Exodus 21:18-22:15 in Book of Covenant)
* **(iii) Family law**

In ancient Israel the household had a major judicial role’ and often ‘the head of the household could act on his own legal authority without recourse to civil law or the external authority of a court of elders.[[13]](#footnote-13)

* **(iv) Cultic Law**
* ‘outward forms and rituals of religious life – the *cultus*’
* Vs. ‘many people’s conceptions of the ceremonial law’ as limited to sacrifices, priestly ordinances and Day of Atonement.
* (NB: this is a misunderstanding, and *not* the historic view of the ceremonial law, which is really what Wright calls Cultic Law)
* **(v) Compassionate Law**
* Protection of weak, justice for poor, sensitivity to dignity of debtor, prompt payment of wages, care for animals
* Exod 22:21-27; 23:4-9; Lev 19:9-10, 13-18, 33-34; Deut 14:28-29; 15:7-15; 20:5-7; 21:10-14; 22:1-4; 23:24-25; 24:5-6, 10-15, 17-22; 25:4; 27:18-10, 25.
* Not ‘enforceable legislation’[[14]](#footnote-14)
* Primary reason – Deut 24:18 – remember that you were slaves and I redeemed you

# C. Defending the Threefold Division

## 1. The Uniqueness of the Decalogue

* Clearly marked as distinct from rest of Mosaic Law
* Spoken by God himself, ‘face to face’ with people (Exod 20:1; Deut 5:4, 22, 23-24)
* ‘and he added nothing more’ (Deut 5:22)
* For rest, Moses draws near to God (Exod 20:21-22), and then relays the commandments to the people (Exod 20:22; 24:3)
* Cf. ‘The LORD said to Moses’ (25:1; 30:11, 17, 22, 34; 31:1, 12); Moses to speak to the people (Exod 31:13)
* Deut 4:9-14 – theophany and LORD’s voice to the people – the 10 Words (Decalogue)
* Contrast Deut 4:14 – LORD commanded statutes and rules to Moses to teach them.
* Decalogue written with the LORD’s finger on stone tablets (Exod 31:18; 34:1; Deut 5:22; 9:10)
* Moses writes the words of the law in a book (Deut 31:24)
* Two stone tablets placed *in* the ark (Ex 25:21-22)
* Book of the Law placed *beside* the ark (Deut 31:24-26)
* Decalogue = ‘words’ (דָּבָר)– the Ten Words of the covenant (Exod 34:28; Deut 4:13; 10:4)
* Book of the Covenant – ‘the rules/judgments’ (מִשְׁפָּט; Exod 21:1)
* Similar distinction in Deuteronomy:
* The Words (דָּבָר; 5:22) – Decalogue
* The commandment (מִצְוָה), statutes (חֻקָּה), the rules/judgments’ (מִשְׁפָּט; 6:1; cf. 6:2; 11:1; 12:1; 26:16, 17, 18)

## 2. The Moral Law Before Sinai

* Some laws are self-understood – so obvious they don’t need formulating
* David Daube – Self-understood = ‘something so much taken for granted that you do not bother to reflect on it or even refer to it’[[15]](#footnote-15)
* The Decalogue re-publishes in written form what was already known and in force
* Written on the heart in creation
* Rom 2:12-16
* Gentiles without the law // Jews under the law
* Which law? Cf. 13:8-10 – commandments of Decalogue
* Jews have law in written form (on stone tablets)
* Gentiles have the law ‘written on their hearts, while their conscience also bears witness’.
* The natural law, written on human hearts in creation; obscured, but not obliterated by sin
* Calvin: ‘the law of God which we call the moral law is nothing else than a testimony of natural law and of that conscience which God has engraved upon the minds of men’.[[16]](#footnote-16)
* Did Adam and Eve need a written law not to murder? Or commit adultery? Or to make idols?
* Abraham a model of obedience to the moral law – kept God’s commandments (מִצְוָה), statues (חֻקָּה), laws (תּוֹרָה) (Gen 26:5)
* Some examples of the Decalogue pre-Sinai[[17]](#footnote-17)

### First commandment – no other gods

* Satan’s temptation – you shall be like God – did Eve have any way of knowing this was wrong?
* Jethro – pagan priest, pre-Sinai, ‘Now I know that the LORD is grater than all other gods’ (Exod 18:11)

### Third commandment – do not take the Lord’s name in vain

* Patriarchs take God’s name with awe (Gen 18:27)
* People call in the name of the LORD (Gen 4:26; cf. 9:26; 15:8; 24:7; 27:27)
* Swearing by the LORD’s name – ‘the ultimate oath (Gen 24:3), even for the LORD himself (Gen 22:16)’.[[18]](#footnote-18)

### Fourth commandment – sabbath

* Manna (Exod 16:4-5, 23) – assumes Sabbath obligation
* The LORD rebukes Israel for not keeping his commandment (מִצְוָה) and law (תּוֹרָה) (Exod 16:28)
* Creation ordinance (Gen 2:1-3; confirmed by Exod 20:11)

### Sixth commandment – Do not murder

* Cain (Gen 4:9-11)
* Gen 9:6 – capital punishment for murder

### Seventh commandment – Do not commit adultery

* Pharaoh knows adultery wrong (Gen 12:17-20)
* God doesn’t warn Abimelech adultery wrong – assumes he knows that (Gen 20:3-7)
* Joseph and Potiphar both reject adultery (Gen 39:8, 9, 13, 19-20)

## 3. The Moral Law in the New Testament

* A brief sampling (see my Seminary lectures on Pauline Ethics…)

### 1 Timothy 1:8-11

* ***Second table of the law (9-10)***
* Those who strike their fathers and mothers 5th commandment
* Murderers 6th commandment
* Sexually immoral & man-bedders 7th commandment
* (πόρνος, ἀρσενοκοίτης)
* Enslavers (=man stealers; ἀνδραποδιστής) 8th commandment
* Liars, perjurers 9th commandment
* ***What about the first four commandments?[[19]](#footnote-19)***
* ‘lawless and disobedient’: general introduction to the list
* **Ungodly (ἀσεβής) 1st commandment**
* The positive form (τῶν σεβομένων, etc) indicates those who accepted ethical monotheism of OT, ‘God-fearers’ (Acts 13:43, 50; 16:14; 17:3, 17; 18:7)
* **Sinners (ἁμαρτωλός) 2nd commandment**
* Can broadly mean ‘sinner’ (e.g., 1 Tim 1:15). But more specifically Gentile idolaters (e.g., Gal Rom 2:22; Gal 2:15)
* **Unholy (ἀνόσιος) 3rd commandment**
* Cf. Matt 6:9; Lk 11:2: hallowing the Lord’s name
* **Profane (βέβηλος) 4th commandment**
* Vb form used of profaning Temple (Acts 24:6) and Sabbath (Matt 12:5)
* Noun/vb as profaning Sabbath in LXX: Exod 31:14; Neh 13:17; Isa 56:2, 6; Ezek 20:13, 16, 21, 24; 22:8, 26; 23:38.

### Ephesians 4-6**[[20]](#footnote-20)**

* 5th commandment Quoted 6:2-3
* 6th commandment 4:26f, 31
* 7th commandment 5:3
* 8th commandment 4:28
* 9th commandment 4:25, 29, 31, 5:4
* 10th commandment 5:3, 5

## 4. Is the Decalogue Purely Moral?

* Most obviously, the Fourth commandment

### Calvin:[[21]](#footnote-21)

* ‘this commandment has a particular consideration distinct from the others’
* Keeping the commandment consists of ‘three conditions’
* First, ‘spiritual rest, in which believers ought to lay aside their own works to allow God to work in them’
* Secondly, ‘a stated day… assemble to hear the law and perform the rites…to be trained in piety’
* Thirdly, to give servants ‘some respite from toil’.
* Further, ‘there is no doubt that by the Lord Christ’s coming the ceremonial part of this commandment was abolished’.[[22]](#footnote-22)
* i.e., the commandment has both moral and ceremonial parts
* Moral: spiritual rest, which ‘is not confined within a single day but extends through the whole course of our life[[23]](#footnote-23)’ – the need for ‘unceasing meditation upon the Sabbath throughout life’.[[24]](#footnote-24)
* Meetings of the church are enjoined upon us by God’s Word…But how can such meetings be held unless they have been established and have their stated days’.[[25]](#footnote-25)
* *But*, for Calvin, the rule of 1 day in seven is not absolute – ‘Nor do I cling to the number “seven” so as to bind the church in subjection to it.’[[26]](#footnote-26) And more frequent stated days for worship are desirable – e.g., in Geneva, Wednesday mornings.
* Calvin not a strict Sabbatarian
* Yet, the early church substituted the Lord’s Day for the Sabbath by ‘careful discrimination’. ‘The purpose and fulfilment of that true rest, represented by the ancient Sabbath, lies in the Lord’s resurrection.’[[27]](#footnote-27)
* We must not ‘inhumanly oppress those subject to us’[[28]](#footnote-28)
* But even stricter Sabbatarians recognise that the Fourth Commandment contains both moral and ceremonial aspects.

### Turretin

* A strict Sabbatarian
* The Sabbath is neither wholly moral nor merely ceremonial. Rather, it is partly moral and partly ceremonial.[[29]](#footnote-29)

The precept concerning the Sabbath ought to be viewed in two ways: either absolutely and in itself (as to the substance of the command); or relatively (as to the Mosaic economy of the Old Testament as to the precise circumstance of time; also the special reasons and ends for which it was given to the Israelites.

* The institution of one day in seven for worship is not absolutely moral – it doesn’t flow directly from God’s character (unlike the requirement for worship, e.g.)
* But it is moral in that the shift from 7th to 1st day of the week was instituted by God through the apostles.
* The apostles maintained the one day in seven pattern, and ‘they would not have done this unless they had recognized this as invariable and moral. And no one has ever been found among Christians who dared to attempt any change here.’ [[30]](#footnote-30)
* Thus, although they were free to change the day, they were not free to change the 1 in 7 pattern. The *day* is a ceremonial matter, a matter of positive law. The 1 in 7 pattern is an abiding matter of moral law.

## 5. What about the Judicial Law?

* Hopefully the abrogation of the ceremonial law in Christ is clear to us!
* Much that would need to be said re judicial law…Very briefly…

### Historic Understanding:

* Individual nations free to make their own laws, providing they do not contradict the natural (ie, moral law)[[31]](#footnote-31)
* Calvin:

The judicial law, given to them for civil government, imported certain formulas of equity and justice, but which they might live together blamelessly and peaceably.[[32]](#footnote-32)

* The end (goal/aim) of judicial law is that a nation ‘might live together blamelessly and peaceably’.
* Israel’s judicial laws related to, but distinct from ‘God’s eternal law’ – applications of divine justice to a particular society in a particular place at a particular time in history, with that end in view
* When that nation ceases to exist as the covenant people, the judicial laws of Moses are no longer in force
* Hence, the creation of one new man – the Church of Jew and Gentile in Christ (Eph 2:15) – means that the Mosaic judicial laws are no longer in force
* No nation is bound to obey the Mosaic judicial laws

[S]urely every nation is left free to make such laws as it foresees to be profitable for itself. Yet these must be in conformity to that perpetual rule of love, so that they indeed vary in form but have the same purpose. For I do not think that those barbarous and savage laws such as gave honor to thieves, permitted promiscuous intercourse, and others both more filthy and more absurd, are to be regarded as laws. For they are abhorrent not only to justice, but also to all humanity and gentleness.[[33]](#footnote-33)

* Laws that contradict the moral law are not laws – they are lawlessness.
* So the key – that a nation’s laws are applications of the natural/moral law, that they are designed for the peace and good of the people as a whole, that they are wisely adapted to a nation’s particular circumstances.

# D. Response to Wright’s Fivefold taxonomy

* (i) – (iii) belong together, as judicial law
* e.g., wrt (iii) – the role of the head of the family here *is* a judicial role
* *Sometimes* it seems elders were involved even if the law did not stipulate their involvement (e.g., Ruth 4)
* Nevertheless, Wright gives helpful distinctions in seeing *how* ancient Israel’s judicial law functioned
* (iv) maps onto the traditional category of ceremonial law
* (v) can be seen as particular applications of the general principles of the moral law (Decalogue)
* Indeed, the statutes of Deuteronomy 12-26 (or 6-26) seem to be structured by the Decalogue.[[34]](#footnote-34) (Though no consensus on the precise details!)
* From Stephen Walton’s Table:[[35]](#footnote-35)

|  |  |
| --- | --- |
| Commandment of Decalogue | Deuteronomy References |
| 1 | 6-11 |
| 2 | 12 |
| 3 | 13 |
| *Appendix* | *14:1-21* |
| 4 | 14:22-16:17 |
| *Appendix* | *16:1-17* |
| 5 | 16:18-18:22 |
| 6 | 19:1-21:9 |
| *Anomalies* | *21:10-22:12* |
| 7 | 22:13-30 |
| *Anomalies* | *23:1-18* |
| 8 | 23:19-24:7 |
| 9 | 24:8-25:19 |
| 10 | 26:1-15 |

# Further Reading

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1. Philip S. Ross, *From the Finger of God: The Biblical and Theological Basis for the Threefold Division of the Law* (Fearn: Mentor, 2010), 18. [↑](#footnote-ref-1)
2. Ross, *Finger*, 2. [↑](#footnote-ref-2)
3. Ross, *Finger*, 2. [↑](#footnote-ref-3)
4. Ross, *Finger*, 1. [↑](#footnote-ref-4)
5. See Stephen Caselli, ‘The Threefold Division of the Law in the Thought of Aquinas’, *WTJ* 61/2 (1999): 175-207. [↑](#footnote-ref-5)
6. Moo, ‘Law of Christ’, 344-45. [↑](#footnote-ref-6)
7. Moo, ‘Law of Christ’, 337; Wenham, *Leviticus*, 32. [↑](#footnote-ref-7)
8. Wenham, *Leviticus*, 32-33. [↑](#footnote-ref-8)
9. Wenham, *Leviticus*, 32. [↑](#footnote-ref-9)
10. Moo, ‘Law of Christ’, 336-37. [↑](#footnote-ref-10)
11. Moo, ‘Law of Christ’, 337. [↑](#footnote-ref-11)
12. Wright, *Old Testament Ethics for the People of God*, 288-301. [↑](#footnote-ref-12)
13. Wright, *OTE*, 293. [↑](#footnote-ref-13)
14. Wright, *OTE*, 300. [↑](#footnote-ref-14)
15. David Daube, ‘The Self-Understood in Legal History’, [https://greenbag.org/v2n4/v2n4\_from\_the\_bag\_daube.pdf](https://greenbag.org/v2n4/v2n4_from_the_bag_daube.pdfpd). [↑](#footnote-ref-15)
16. Calvin, *Inst.* IV.xx.16. [↑](#footnote-ref-16)
17. See Ross, *Finger*, 61-74 for a more comprehensive list. [↑](#footnote-ref-17)
18. Ross, *Finger,* 65. [↑](#footnote-ref-18)
19. Cf. Richard C. Barcellos, ‘First Timothy 1:8-11 and the Utility of the Decalogue’, *Reformed Baptist Theological Review* 1, no. 1 (2004): 3–25; George W. Knight, *The Pastoral Epistles: A Commentary on the Greek Text*, NIGTC (Grand Rapids, MI: Eerdmans, 1992), 80–82. [↑](#footnote-ref-19)
20. Cf. Michael Allen, *Ephesians* (Grand Rapids: Brazons, 2020)., *in loc.* [↑](#footnote-ref-20)
21. *Inst.* II.viii.28. [↑](#footnote-ref-21)
22. *Inst.* II.viii.31. [↑](#footnote-ref-22)
23. *Inst.* II.viii.31. [↑](#footnote-ref-23)
24. *Inst.* Ii.viii.30. [↑](#footnote-ref-24)
25. *Inst.* II.viii.32. [↑](#footnote-ref-25)
26. See *Inst.* II.viii.34. [↑](#footnote-ref-26)
27. *Inst.* II.viii.34. [↑](#footnote-ref-27)
28. *Inst.* II.viii.34. [↑](#footnote-ref-28)
29. Turretin, *Inst.* 11.13. [↑](#footnote-ref-29)
30. Turretin, *Inst.* 11.13.37. [↑](#footnote-ref-30)
31. E.g., Calvin*, Inst.*, IV.xx.15 [↑](#footnote-ref-31)
32. Calvin, *Inst.*, IV.xx.15. [↑](#footnote-ref-32)
33. Calvin, *Inst*. IV.xx.15. [↑](#footnote-ref-33)
34. See Braulik, Walton. Georg Braulik, ‘The Sequence of the Laws in Deuteronomy 12-26 and in the Decalogue’, in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy*, ed. Duane L. Christensen (Winona Lake: Eisenbrauns, 1993), 313–35; John H. Walton, ‘The Decalogue Structure of the Deuteronomic Law’, in *Interpreting Deuteronomy: Issues and Approaches*, ed. David G. Firth and Philip S. Johnston (Nottingham: Apollos, 2012), 93–117. [↑](#footnote-ref-34)
35. Walton, ‘The Decalogue Structure of the Deuteronomic Law’, 115. [↑](#footnote-ref-35)