PART II

THE BIBLICAL AND HISTORICAL BACKGROUND OF THE COMMON LAW

CH. 1. THE ROOTS OF LAW AND OF LEGAL RIGHTS

To the consistent atheistic jurist, law and legal rights have no real roots. There, the jurisprudential scheme is purely conventional. Indeed, it is regarded as destined to be re-arranged – just as soon as human social progress be deemed to merit it.

To the consistent agnostic jurist, whatever law and legal rights might indeed exist – are humanly unknowable in themselves. The most men may do, is to agree with one another upon the basis of certain human legal conventions. Such then indeed may – or may not – correspond to actual objective states of affairs beyond human society.

To the consistent theistic jurist, however, laws and legal rights really do exist. They were created, and are maintained, only by Almighty God – the Father, Son and Spirit. Their nature and character in themselves may be learned by man, quite adequately enough, from divine revelation. That is to be found fundamentally in the sixty-six books of Holy Scripture (from the first word in Genesis to the last word in the Apocalypse).

The inevitability and unavoidability of human legislation

Even the advocates of anarchy cannot avoid setting up and enforcing principles of human conduct. Also the Renaissance humanist Rabelais realized this (however vaguely), when he wrote about his own imaginary yet ideal society. There, "all the nuns are beautiful" *etc*. There, not chastity and obedience are praised – but rather the situation that all may marry and live at 'liberty' (alias libertinely).

"All their life," explains Rabelais,[1] "was spent not in laws, statutes or rules – but according to their own free will and pleasure. They rose out of their beds when they thought good; they did eat, drink, labour, sleep, when they had a mind to it and were disposed to it.... In all their rule and strictest land to their order – there was but this one clause to be observed: 'Do what thou wilt!'"

This represents perhaps the very epitome of antinomianism – or disregard for law and order. Specifically, it disregards the Law of God – by advocating what He never requires, and requiring what He never advocates. Yet the model monastery of Rabelais – in setting aside the "laws, statutes or rules" of the celibate and communal monks and nuns during the Middle Ages – here but substitutes a different "rule and strictest land to their order." In the place of the old, it sets up a new "clause to be observed." For law-as-such is inevitable – and unavoidable.

These tendencies have been found in real life too, from time to time. Thus, some of the Anabaptists murdered their opponents (thereby breaking God's Sixth Commandment) – and practised polygamy and community of property (thus breaking God's Seventh Commandment and His Eighth Commandment too). Indeed, during

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[1] F. Rabelais's *The Abbey of Theleme*; as cited by ed. F.R. White: *Utopias of the Renaissance* (Farrar Straus, New York, 1955, pp. 127f).

their government at Muenster, they even so enacted.[2] Again, their modern descendants in the Communist Parties of the Soviet Union and China and elsewhere – have similarly legislated.[3]

Today, one finds these tendencies also among ideological libertines supporting revolutionary action. For there are now many pressure-groups of various kinds, demanding liberation from various present legal strictures. Yet they too ultimately move to enact new legislation – with the aim of setting aside the Common Law, and moving against those who would uphold it. Recent prosecutions of heterosexuals accused of discriminating against homosexuals, is a relevant case in point.

Human legislation, then, is unavoidable. For the issue is not **whether** there should be laws. **That** is inevitable. The issue, rightly stated, is **which** laws should (and ultimately do) rule human society – the laws of ungodly humanity; or the Law of God for humanity?

The Triune God is the First Source of law and legal rights

Jehovah Elohim, the Holy Trinity, at the beginning created the tri-universe. Genesis 1:1-3; Matthew 28:18f; Ephesians 4:4-6; Revelation 4:2-8 & 5:6. It always was, is, and shall be God's **nature** – to be full of equity and righteousness. For "the righteousness of God" and "His divine power...and godliness" and "virtue" and also "the divine nature" itself – re all interconnected. Second Peter 1:1-4.

"The Almighty...is excellent in power and in judgment – and in plenty of justice." Job 37:23. Indeed, "of the increase of His government and peace there shall be no end...upon His Kingdom – to order it and to establish it with judgment and with justice, from henceforth, even for ever." Isaiah 9:7.

The Triune God has always represented the perfect balance of interests between His one Divinity and His many Persons. Genesis 1:1-3 and Matthew 28:19. God the Father, through His Son alias the Eternal *Logos* (as the Central Person of the Trinity), and in the power of His Holy Spirit – has always harmonized His Law and His equity, through His Word and in His works.

The famous jurist Dr. Herman Dooyeweerd (Professor of Law at the Free University of Amsterdam) more than once alleged[4] that – to the great Christian Jurist John Calvin – God is *legibus solutus sed non exlex*. This suggests that God is 'loosened from the law' – yet not arbitrary. This unsubstantiated allegation by Dooyeweerd, however, is in need of very careful qualification.

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[2] See F.N. Lee: *The Anabaptists and Their Stepchildren*, Dominion Press, Dallas, 1992.
[3] See F.N. Lee's *Communist Eschatology: A Christian-Philosophical Analysis of the Post-Capitalistic Views of Marx & Engels & Lenin*, Craig Press, Nutley N.J., 1974.
[4] H. Dooyeweerd: *A New Critique of Theoretical Thought*, Presbyterian and Reformed Publishing Company, Philadelphia, 1953, I pp. 93 & 99f. See too Dooyeweerd's: *Encyclopedia of Legal Science*, SRVU, Amsterdam, 1967; *Explorations in Philosophy, Sociology and Legal History*, Buijten & Schipperheijn, Amsterdam, 1962; *Philosophy of the Idea of Law*, I-III, H.J. Paris, Amsterdam, 1935f; *The Christian Idea of the State*, Craig, Nutley N.J., 1968; and *The Contest About the Concept of Sovereignty in Modern Jurisprudence and Political Science*, Free University of Amsterdam, 1950.

For Calvin himself opposes[5] "that Sorbonic dogma...in the promulgation of...the papal theologians" that the Triune 'God is free from the law' – the dogma of the doctors at the Sorbonne in Paris. Indeed, Calvin emphatically declares: "I do not receive that...dogma 'that God, as being free from the law Himself, may do anything, without being subject to any blame for so doing.' For whosoever makes God without law, robs Him of the greatest part of His glory – because he [would then de]spoil...Him of His rectitude and justice....

"He is indeed a law to Himself. **But** there is that inseparable connection and harmony between the power of God and His justice, that nothing can possibly be done by Him but what is moderate, legitimate, and according to the strictest rule of right.... When the faithful speak of God as omnipotent, they acknowledge Him **at the same time** to be the Judge of the world, and always hold His power to be righteously tempered with equity and justice....

"God is not bound by any law that should compel Him.... He is His own law – a law unto Himself! Indeed, His will is the highest rule of the highest equity."

The establishment of the *Law of Nature* and later of the *Law of Nations*

In the beginning, at the creation of the Heavens and the Earth, this great Triune God by His Word commenced reflecting something of His own glory throughout His Universe – in the mirror of His external works. Thus both the act of creation itself, as well as created nature as its product, reveal the Creator Who created and sustains and governs all of His creatures and all of their actions. Compare the *Westminster Larger Catechism*, Q. 18.

Consequently, the God-given laws of nature all point to nature's Triune God – the Father, Son, and Holy Spirit. Indeed, nature obliquely reflects God Himself. For the laws of nature are the laws which God Himself instituted, and faithfully upholds from one moment to the next.

Thus "the Heavens declare the glory of God, and the firmament keeps on revealing His handywork." Psalm 19:1. "For ever, O Lord, Your Word has been settled in Heaven.... You have established the Earth, so that it keeps on abiding. They [Heaven and Earth] continue this day – according to Your **ordinances**. For all are Your servants." Psalm 119:89-91.

Thus, the Triune God Himself has established His ordinances and decrees for nature – with which to govern His creation. Such are His laws of nature.

"He has also established them for ever and ever. He has made a **decree** which shall not pass." Psalm 148:6. Subsequently God spoke His image man into existence. Genesis 1:26. Thus the righteous God made a righteous man – His own likeness. Ephesians 4:24. From his very creation onward that man, Adam, imaged God. Man

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[5] J. Calvin: *The Secret Providence of God*, in ed. H. Cole's *Calvin's Calvinism*, Reformed Free Publishing Association, Grand Rapids, n.d., pp. 248 & 282f.

did so **by nature** – in that Adam (and all of his descendants) had God's Moral Law indelibly engraved upon the human heart.

To Adam, the **Law of Nature** thus embraced also the **Moral Law**. Ecclesiastes 7:29 & Romans 2:14-16. For Adam heard the Law-Word of God even before he surveyed the God-created world of nature. Genesis 1:28f. Indeed, Adam always needed that Law-Word – in order to understand: **nature** (created by God); nature's **God**; and God's **laws** for nature. Genesis 2:16-19.

The sixth century's Isidore of Seville has a very good statement on the Law of Nature. In his *Etymologies* (5:4), he explains: "Things required by Natural Law are: marriage; succession; bringing up of children; one common security for all; one liberty for all; and the right to acquire those things which are capable of possession in air, earth and sea." Indeed, all of these factors can be seen to be grounded in God's initial covenant with man – Genesis 1:26f *cf.* Hosea 6:7f.

Sometime State Legislator and Law Editor H.B. Clark (LL.M.) observes in his important book *Biblical Law*,[6] that the Law imposes upon husband and wife the duty to 'be fruitful and multiply' (Genesis 1:28) – to 'beget sons and daughters' (Jeremiah 29:6). It is the first of all Commandments. It was given in the beginning to Adam and Eve, and was repeated in substance to Noah and his sons (Genesis 9:1f).

The purpose of the rule is to 'replenish the earth' (Genesis 1:28). God 'formed' the earth 'to be inhabited' (Isaiah 45:18). Thus, 'children are a heritage of the Lord' (Psalm 127:3).

Only at and after mankind's subsequent fall into **sin** (alias human rebellion against God) – did man and woman begin to misinterpret nature and its laws (namely with progressively diminishing reference to God). Genesis 3:16f; Romans 2:14-16; First Corinthians 14:34; First Timothy 2:11-15.

Indeed, only after the postdiluvian dispersion of mankind into the various nationalities did the **Law of Nations** begin to develop. Genesis 9:19; 10:1-5f; 11:1-9. But that Law of Nations was always to be monitored in terms of the Law of God – even from the days of old onward. Genesis 1:28; 2:17; 3:16; Deuteronomy 32:6-8; Acts 17:22-29.

In spite of all subsequent variations in the way men have understood the Law of Nature and especially the Law of Nations – both were originally in harmony with the Biblical Law of God. They would have continued to be so – were it not for the fall of man.

In man's present and fallen condition, that harmony needs to be reconstructed – and further unfurled. Indeed, only when such a pristine harmony is presupposed and once again promoted and developed – will there be a correct perception of the roots and the reality also of the **Common Law**. Genesis 9:1-19 and 10:1-5; Psalms 96 to 98; Revelation 7:2-9f & 15:3-4f.

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[6] H.B. Clark: *Biblical Law*, Binfords & Mort, Portland, 1944, p. 142 and title page & inside back flap of dustcover.

A Judaistic view of the Law of Nature and the Law of Nations

The modern Israeli jurist Dr. Gabriel Sivan of Jerusalem's Hebrew University has made some very useful legal remarks from a Judaistic perspective – in his 1973 book *The Bible and Civilization*. It is true that his unitarian views are deficient – insofar as they somewhat decline from the trinitarian Old Testament, and especially inasmuch as they short-change the New Testament's fuller revelation of the Father and Lord God of Israel in and through Jesus Christ and His Holy Spirit. Yet Sivan's insights are still very helpful in enabling jurists to understand the binding character of the Law of Nature as expressed in the *Noachide Code*.

While writing on 'Natural Law Concepts and International Law'[7] – Sivan states that a Universal Code was developed. This was done from the seven 'Noachide Laws' – which rabbinical scholars deduced from the first book of Moses, alias the initial portion of the *Torah* or the Pentateuch. Genesis 9:1-27 & 1:26 to 2:25.

Here Sivan is correct. Yet, for its New Testament augmentation, we ourselves would further point also to Acts 15:21-29 and Romans 1:16-32 & 2:14-16.

Written evidence of this ancient Universal Code, continues Sivan, is available in the (second century B.C.) pseudepigraphical *Book of Jubilees* (7:20f). This in turn seems to have been derived[8] from the even older *Book of Enoch*. However, when we further compare Enoch 1:9 with Jude 14-15 – it can be seen that the roots of the 'Noachic Laws' **antedate** the Great Flood and are seen to have been in place already during the time of Enoch (the seventh generation descendant of Adam). Indeed, by implication, they clearly lead us back even to Adam himself – and to Adam's Creator, the Triune God.

Thus this 'Noachide Code' (containing the God-given laws of the sons of Noah) is in fact also a 'Noachic Code' (comprising the laws of Noah himself). Indeed, this Noachic Code is essentially the same as the Code of Enoch the Sethite – and also basically the same as the Adamic Code (alias the laws of Adam himself).

Now the classic reference to these 'Noachic Laws' is found in the *Talmud*. "Seven precepts were imposed on the descendants of Noah [*i.e.*, all mankind]: civil justice, the prohibition of blasphemy, the prohibition of idolatry, the prohibition of incest, the prohibition of murder, the prohibition of theft, and the prohibition of eating flesh [or raw meat] cut from a living animal." Thus the Jewish *Talmud* (representing a tradition dating from between the time of the Old and New Testaments). See: *Sanhedrin* 56a.

There is some degree of correspondence between this formulation and what the later mediaeval jurists understood by the *Jus Naturale* and even by the *Jus Gentium* – alias 'Natural Law' and the 'Law of the Nations.' The Rabbis taught that 'the righteous among the Gentiles' who adhered to these Commandments, would have a share in the World-to-come.

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[7] G. Sivan: *The Bible and Civilization*, Keter, Jerusalem, 1973, pp. 137f.
[8] *Book of Enoch*, chs. 54-55, 60, 65-69 & 106-7.

Thus the mediaeval rabbi Moses Maimonides later declared that "whoever wishes to adopt Judaism...is constrained to accept not [just] the *Torah* and [its] precepts, but [also] the Noachide laws."[9] For it is even more outrageous for a Jew to break the Noachic Code which binds all mankind, than to break the Mosaic Law. Indeed, the latter as such – apart from the 'general equity' therein – binds only the nation of Israel. Compare too the *Westminster Confession of Faith*, 19:1-5.

Also the rationalistic Jew Moses Mendelssohn (in his 1770 correspondence with Lavater) proclaimed that these universal injunctions form the common ground of Israel and all humanity in the sphere of ethics and reason. So too did the Jewish philosopher Hermann Cohen, in his 1919 book *The Religion of Reason*.[10]

Now Early Christianity shared this Talmudic belief. In Acts 15:13-22, James – the presbyterial Moderator of the earliest Christian General Assembly – accordingly made a successful recommendation to the commissioned presbyters there in Jerusalem.

Urged James: "Let us not trouble those from among the Gentiles who have turned to God – but that...they abstain from pollutions of idols, and from fornication, and from things strangled, and from blood." Acts 15:19-20. This proposition was approved by the Christian General Assembly – and the resolution was then implemented in all of the congregations of the Christian Church. Acts 15:20-29; 15:30-32; 16:4-5; 21:24f; Galatians 1:21f; 2:12f.

Indeed, also Paul later maintained that even the very Gentiles were required by God to observe this same discipline. "For whenever Gentiles who do not have the law, do **by nature** the things contained in the law – they...keep on showing that the work of the law has been written in their hearts." Romans 2:14f.

Both immediately and eschatologically, also Gentiles are responsible to their Creator. For "their conscience too keeps on bearing witness, and their thoughts meanwhile keep on accusing or else excusing one another – in the Day when God shall judge the secrets of man by Jesus Christ." Romans 2:15f.

Sivan further notes[11] that the rabbinic concept of 'Natural Law' was subsequently adopted by the Church Fathers. For they did not hesitate to make the 'Noachide' commandments the standard norm of Christian morality.

Thus, Tertullian demonstrated that the Pre-Mosaic 'Law of Nature' had been honoured by the Hebrew Patriarchs. Indeed, Eusebius quoted views even from the *Midrash* – about many of the precepts which Abraham observed. Genesis 18:18-19 & 26:3-5.

Jerome detected traces of this 'Natural Law' in Isaiah 24:5. That verse declares: "The Earth also is defiled among the inhabitants thereof; because they have transgressed the laws, violated the statutes, broken the everlasting covenant." Here, Jerome asserted that Adam and Eve, Cain, and the Pharaoh of the Exodus all showed

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[9] Sivan: *loc. cit.*
[10] *Id.*
[11] *Id.*

an awareness of having sinned against this Universal Code. Hosea 6:7f; Genesis 6:18f & 9:1-19f; Romans 9:4-24.

Thus, also the Early Christian Church developed a formula for the acceptance of specific aspects of the *Torah*. For the Patristic Fathers declared that whatever features of the 'Old Covenant' amounted to the 'Law of Nature' – were still binding on the Church.

In this way, Christianity preserved not just the Primordial Laws of Adam and Noah but also many other basic injunctions of the Hebrew Religion. Such include: the Ten Commandments; the forbidden degrees of consanguinity and affinity in Leviticus; and the general equity of the judicial laws of Moses *etc*. See too the *Westminster Confession of Faith* 19:1-7; 21:1-8; 22:1-7; 23:1-4; 24:1-6 – and all of the Biblical prooftexts there listed.

Western Law – from Mediaeval Christendom to the so-called 'Enlightenment'

Once Christianity had become the state religion of the christianized Roman Empire during the fourth century A.D., those Biblical regulations affirmed by the Church made their way into Late-Roman Law. Indeed, from A.D. 321 onwards, such regulations were more and more absorbed by the legal codes of Western Europe. Thus the established practice whereby a witness takes the oath on the Bible – indicates the Bible's penetration into legal procedure, as well as into concepts of law.

The Eastern Emperor Justinian's *Corpus Juris Civilis* or 'Body of Civil Law' in the sixth century A.D., transmitted (a by-then at least semi-christianized) Late-Roman Law as a Universal Code. It also included references to the Mosaic legislation – in the glosses to its *Codex* and *Digest*.

Outside of both the Early Roman Empire and the Late Roman Empire, Scriptural precedent was quoted also by Irish Canon Law – and by the ninth-century Anglo-Saxon Code of Alfred the Great. There, he used Biblical passages – notably the Ten Commandments and the 'Book of the Covenant' in Exodus chapters 20 to 23. The books of Kings, Psalms, Proverbs, and Job are also cited – as well as the New Testament.

Later, the Arminian Hugo Grotius – the pioneer of International Law – argued that the Law of Nature was a human quality. His theory of 'natural rights' – expounded in his famous A.D. 1625 work *On the Right of War and Peace* – often cited Mosaic Law as a fundamental authority. For Grotius, Natural Law was inviolable. It was not subject to the changes constantly affecting civil legislation.

The English lawyer and Westminster Assembly theologian John Selden was reputedly the most learned man of his time. Selden dealt with the 'Noachide' code and its universal application – in his 1640 work *The Law of Nature and of Nations according to the Hebrews*. There, he gave Biblical justification for the position thereanent held specifically by English Common Law.

Thereafter, the Law of Nature and divine regulation were increasingly felt to be identical. Since at least some of the Mosaic Code was universally relevant, any human laws that negated Natural Law were held to be invalid.

The doctrine of divine revelation found a prime place in the English scheme. Also the Irishman Edmund Burke spoke of "that Law which governs all law – the Law of our Creator; the Law of humanity, justice, equity – the Law of Nature, and of Nations." Too, the *American Declaration of Independence* [toward which Burke was very sympathetic], in 1776 appealed to "the Laws of nature – and of nature's God."

At that point of time, as seen in the trinitarian Preamble to the 1783 *Peace Treaty of Paris* between Great Britain and the United States of America, International Law was still being predicated upon the unquestioned foundation of **the Triune God** of Holy Scripture. Only after the *French Revolution* of 1789, did Western civilization and jurisprudence increasingly start to break with the Triune Jehovah and His Word. Yet both still continue to haunt apostate man – even today.

For as the Israeli jurist Dr. Gabriel Sivan insists,[12] the laws governing the conduct of states *inter se* and the relations between nations – are deducible from Scripture. The Pentateuch declares that foreigners are entitled to just treatment (Leviticus 19:33-34), and that the rights of neutrals must be respected (Numbers 20:14f & Deuteronomy 2:4f).

Biblical sources also lay down a civilized code of war, where war proves inevitable. Deuteronomy 25:17-19. They maintain the inviolability of ambassadors. Second Samuel chapter 10. Indeed, they also demand the honouring of treaties. Genesis 21:23; 26:28-29; Joshua 9:15; Second Samuel chapter 21.

Even the idea of a 'League of Nations' – avers Sivan – can be deduced from the Prophets. Isaiah 2:3-4; Micah 4:2-3; Zephaniah 3:9; Zechariah 9:10. Texts such as these have transformed the original concept of a universal and unchanging 'Natural Law' – into the foundation of International Law and Justice.

Thus the Biblical contribution to our notion of justice and legal consciousness has been widely acknowledged. Jurists see in the Biblical Scriptures one of the main foundations of Western civilization and the 'rule of law.'

Princeton University's eminent Professor of Jurisprudence and later U.S. President Dr. Woodrow Wilson is not renowned for his unquestioning support of Orthodox Calvinism. Yet, in his 1890 book *The State*, even he explained that especially the Teuton had come under the influence of Christianity.

Through the Church, there entered into Europe a portent of Judaic thought. The laws of Moses contributed suggestions and impulse to the men and institutions which were to prepare the modern world. If we could but have eyes to see, concludes Wilson, we should readily discover how very much besides religion we owe to the Jew.

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[12] *Loc. cit.*

Yet the Judaist Sivan himself as well as the judaizing Wilson (whom Sivan here cites with approval) are both in need of considerable correction. For the debt owed by both Gentiles and the *Jus Gentium*, is hardly to the Jew. The debt owed, also by Christian and Jew alike, is solely to the Triune God of the Holy Scriptures (through both His Older and His Newer Testaments).

Suarez, Austin and Pollock on the divine source of Law

The great Portuguese Jurist Dr. Francisco Suarez of Coimbra University once observed – in his famous book *Concerning the Laws and God as the Lawgiver*[13] – that "the Law of Nature is made known to men...first through natural reason, and secondly through the Law of the Decalogue written on the Mosaic tablets. The *Jus Gentium* [or 'Law of Nations'] is the most closely related to the Law of Nature. All the precepts written by God in the hearts of men, pertain to 'Natural Law' – a fact which may be gathered from the words of Paul [Romans chapter two (vv. 14-15)]."

However, this Law of Nature (Romans 2:14-15) can be verified and preserved only through Inscripturated Law. See: Exodus 20:1-17 *cf.* 31:18 & 34:1-4.

Even the renowned though maverick Law Professor John Austin (1790-1859) – Barrister-at-Law of the Inner Temple – did not disagree with this. In spite of his emphasis on legal sovereignty, Austin was hardly a Bible-believing Christian. Yet, in his *Lectures on Jurisprudence*,[14] Austin nevertheless wrote that laws proper are commands.

Laws properly so called, he explained, may be divided aptly. Such are **firstly** the Divine Laws, or the Laws of God which are set by God to His human creatures – the Divine Law, or the Law of God. **All other** laws are at best only **secondary**. Indeed, **some** are merely of **tertiary** importance.

Another great jurist was the 1845-1937 Rt. Hon. Baronet Sir Frederick Pollock (LL.D. & D.C.L.). According[15] to him, there is no reason why especially a lawgiver or recorder of divine law should not also be a speaker of dooms alias legal 'deemings.' *Cf.* First Corinthians 7:10,12,40.

Pollock explains that a ruling ascribed to Moses – whom a former English Lord Chief Justice, Sir Edward Coke, claimed to be the first law reporter – was even in Pollock's day (early in the twentieth century) still a practical decision. For it even then still governed the civil law of succession in some Jewish communities, such as the Jews of Aden – at least down to the time of Pollock. Indeed, the case of Zelophehad's daughters – noted in Numbers chapters 27 & 36 – is the earliest recorded case which is still of legal authority.

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[13] F. Suarez: *De legibus ac Deo Legibus ac Deo Legislatore*, Coimbra, 1619; as cited in J. Hall's *Readings in Jurisprudence* (Indianapolis: Bobbs-Merrill, 1938), p. 45.
[14] J. Austin: *Lectures on Jurisprudence*, Murray, London, 1911 ed., I pp. 79 & 86.
[15] In Sir H. Maine's *Ancient Law*, Murray, London, 1920, pp. v & 22.

Calvin on the Law of Nature anent marriage, bestiality and homosexuality

Now God made man male and female, and gave them His Moral Law. Genesis 1:26-28; 2:16f; 2:19f. Clearly, this Moral Law was not just for our very first parents – but also for all of their descendants. For, pursuant thereto, God's Word declares: "A man shall leave his father and his mother, and shall cleave to his wife: and they shall be one flesh. And they were both naked, the man and his wife, and were not ashamed." Genesis 2:24f.

Even at the very beginning of the human race, that Moral Law implicitly contained *inter alia* also the following provisions: "Honour your father and your mother!"; "you shall not commit adultery!"; and "you shall not covet your neighbour's wife!" Subsequently, all this would be stated explicitly. Exodus 20:12,14,17. Later still, it would be restated in just one sentence: "Marriage is honourable in everyone, and sexual intercourse undefiled; but God will judge whoremongers and adulterers." Hebrews 13:4.

On the previously-mentioned verses given at the beginning of Genesis chapters one and two, the great Protestant Reformed jurist and theologian Rev. Professor Dr. John Calvin grounds his doctrine of the Law of Nature. That latter, he explains, was stamped upon the hearts even of Adam and Eve – whom God also before the fall commanded to reproduce.

Thus, marriage fully accords with the Law of Nature; but both bestiality and homosexuality are 'un-natur-al.' So too is mandatory celibacy. For "it is not good that man should be alone" (Genesis 2:18f).

Comments Dr. Calvin:[16] "Man is...a certain pre-eminent specimen of divine wisdom, **justice** and goodness.... God created them 'male and female'.... He commends to us that conjugal bond by which the society of mankind is cherished.... Adam with his wife was formed for the production of offspring, in order that men might replenish the earth....

"Man was the **governor** of the world.... He should, nevertheless, be subject to God. A **law** is imposed upon him, in token of his subjection.... God, from the beginning, imposed a **law** upon man, for the purpose of maintaining the right due to Himself.... A **precept** was given to man, when[ce] he might know that God ruled over him.... Our life will be rightly ordered if we obey God, and if **His will** be the regulator of all our affections....

"Of all the animals...not one was found...adapted to Adam. Nor was there such affinity of **nature** that Adam could choose for himself a companion for life out of any.... Unless a wife had been given him of the same kind with himself, he would have remained destitute of a suitable and proper help....

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[16] J. Calvin: *Commentary upon the Book of Genesis*, Eerdmans, Grand Rapids, ed. 1948, I pp. 92,97,125f,131,136.

"Among the offices pertaining to human society, this is the principal and as it were the most sacred – that a man should cleave unto his wife.... The husband ought to prefer his wife to his father. But the father is said to be left, not because marriage severs sons from their fathers or dispenses with other **ties of nature** – for in this way, God would be acting **contrary to Himself**.... Therefore they who for slight causes rashly allow of divorces, violate in one single particular – **all the laws of nature**."

Describing the '**un-natur-alness**' specifically of sodomy, Calvin discusses[17] Moses' "lively picture of Sodom" in Genesis 19:4f. Calvin says that the sodomites there "rush[ed] together like brute animals.... Neither did any gravity restrain the old, nor any modesty suitable to their age restrain the young.... The order of **nature** – was perverted."

On God's later Mosaic Law against homosexuality and bestiality in Leviticus 18:13-23 & 20:13-15, Calvin adds:[18] "We learn from these passages that the people were not only prohibited from adultery, but also from all sins which are repugnant to the modesty of **nature** itself.... He enumerated two species of un-**natur**-al lust.... When men indulge in this respect, they are carried away by an impulse which is **more than beastly**....

"The beasts are satisfied with **natur**-al connexion.... Greater self-restraint should exist in us than in the brute animals." Yet since the fall of man, "it has at length advanced to such excesses that men created in God's image – both male and female – have had connexion with brutes....

"It is astonishing that almost all the Gentiles have so sunk into stupid and brutal folly, that they have tolerated...un-**natur**-al crimes.... Even the wickedest of them," however, "were ashamed to justify so gross a crime" as bestiality.

"It was a common reproach to make, even against the very public tribunals – that it ought to be more severely punished than other crimes.... If a man or woman offend with a beast, in order that all may the more abhor and beware of the un-**natur**-al crime – the penalty is extended even to the harmless animal....

"We have before seen that a goring ox is condemned to death if it had killed a man [Exodus 21:28f]. Hence we infer how greatly displeasing to God is **this** kind of crime – since its iniquity [alias **un-equity**] is confirmed by the death of guiltless animals." Leviticus 20:15.

In his comment on Romans 1:26, Calvin refers to the characteristic conduct of lesbians. There,[19] he calls it "the fearful crime of un-**natur**-al lust. This proves that [such wo]men have...become **worse** than beasts, since they have reversed the whole order of **nature**.... It is astonishing how frequently this abominable act, which even brute beasts abhor, was then indulged in.... [Wo]men **bound** themselves, without

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[17] *Ib.*, I pp. 496f.
[18] J. Calvin: *Harmony of the Four Last Books of the Pentateuch*, Eerdmans, Grand Rapids, ed. 1948, III pp. 73f.
[19] J. Calvin: *The Epistles of the Apostle Paul to the Romans and to the Thessalonians*, Eerdmans, Grand Rapids, 1960, pp. 36f.

reflection, to those crimes which **common sense** ought to have despised" – by **nature**!

Calvin on the Law of Nature and consangineous incest

Calvin discusses the Law of Nature also in relation to incest. In his great work *The Harmony of the Pentateuch*,[20] he writes: "The Orientals are libidinous" – *cf.* also Rome in ancient times – "and they **knew** it." See: Romans 1:19-21. "They never had any scruples in polluting themselves by incestuous marriages."

It is abundantly proven by history how great were the excesses of the **Egyptians** in this respect. A brother had no abhorrence against marrying his uterine sister, nor a paternal or maternal uncle his niece. Thus the B.C. 60 Diodorus Siculus.

Sadly, also the syncretizing Roman Law of that day and age was at that time fast becoming an amalgamated conglomerate of the many brands of heathendom then being absorbed into the Empire of the Caesars. Thus, in its international and imperialistic phase, Roman Law degenerated from its once-noble roots.

Regarding the latter, Calvin explains: "The **ancient** Roman laws accord with the rules prescribed by God – as if **their** authors had **learnt** from **Moses** what was decorous and agreeable to **nature**.... It is true, indeed, that this was part of the political constitution which God established for His ancient people [the Hebrews]. Still, it must be borne in mind that whatever is prescribed here, is deduced from the Source of rectitude...and from the **natur-al** feelings implanted in us by Him."

Absurd is the cleverness which some 'Late-Roman' (or rather Romish) persons but little versed in Scripture, pretend to. For they – explains Calvin – "assert that the Law being abrogated, the obligations under which Moses laid his countrymen are now dissolved." Thus, the 3rd Canon of the 24th Session of the A.D. 1563 *Council of Trent* declares: 'Whosoever shall say that it is never at all possible for the Church to dispense with such degrees of consanguinity and affinity as is expressed in Leviticus [chapters 18 & 20] – let him be accursed!'

"If any again object that what has been disobeyed in many countries is not to be accounted the Law of the Gentiles" alias the 'Law of Nations' – continues Calvin – "the reply is easy.... The barbarism which prevailed in the East, does not nullify that chastity which is opposed to the abominations of the Gentiles....

"What is **natur-al** cannot be abrogated by any consent or custom...since it flows from the Fountain of **nature**." Indeed, what is **natur-al**, "is founded on the general principle of all laws – which is perpetual and inviolable.... Therefore, I do not see that, under the pretext of its being a 'political law' – under the pretext that the 'Law of Moses' has ceased – the purity of '**Nature**' has been abolished.

"Hence, just and reasonable men will acknowledge that, even amongst the heathen nations, this Law was accounted indissoluble – as if implanted and engraved on the hearts of men [*cf.* Romans 2:14-16]. On this ground Paul, more severely to reprove

[20] J. Calvin: *Harm. Pent.*, III, pp. 97-101.

the incest of a step-son with his father's wife, says that such an occurrence is not so much as named even among the Gentiles' [alias the Pagans]. First Corinthians 5:1." Thus Calvin on incest as a transgression of the Law of Nature.

Calvin on the Law of Nature and the Moral Law in general

Already at the creation of man, God through the Law of Nature wrote the substance of the Decalogue upon the human heart. It is true that this has subsequently become somewhat obscure to the sin-stained eyes of fallen man. It is improper, however, to suggest that fallen man knows nothing about and is not obliged to keep the Law of Nature and its Decalogue. It is also absurd to suggest that the latter has nothing to do with the Law of Nature to which all men are obviously still subject.

Thus, at the start of his exposition of the Moral Law, Calvin clearly states[21] – regarding the Two Tables of "the Ten Commandments of the Law" – that man's duty "which God **originally** prescribed, is still in force.... The very thing contained in the Two Tables, are in a manner dictated to us by that internal law which...is in a manner written and stamped on every heart....

"But man, being immured in the darkness of error, is scarcely able – by means of that **Natural Law** – to form any tolerable idea of the worship which is acceptable to God.... Therefore as a necessary remedy...the Lord has given us His written Law which, by its sure attestations, removed the **obscurity** [through man's sin] of the **Law of Nature**."

In Romans 2:16f, Paul declares that whenever even the pagan "Gentiles...do **by nature** the things of the law...they shew [that] the work of the law [has been] written in their hearts." On this, Calvin comments:[22] "Ignorance is offered in vain as an excuse by the Gentiles – since they declare by their own deeds that they do have some **rule of righteousness**. There is no nation so opposed to everything that is human, that it does not keep within the confines of some laws....

"All nations are disposed to make laws.... So it is beyond all doubt that they have certain ideas of justice and rectitude...which are implanted **by nature** in the hearts of men.... Although they do not have the written law of Moses – they are by no means completely lacking in the knowledge of right and justice....

"Paul contrasts **nature** with the written law.... The Gentiles had the **natur**-al light of righteousness, which supplied the place of the law by which the Jews are taught....

"We cannot conclude from this passage that there is in men a **full** knowledge of the Law, but only that there are some seeds of justice implanted in their **nature**. This is evidenced by such facts as these that all the Gentiles alike...make laws to punish adultery, theft and murder – and commend good faith in commercial transactions and contracts.

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[21] J. Calvin: *Institutes of the Christian Religion* II:8:1 (Clarke, London, ed. 1957).
[22] *Romans and Thessalonians*, pp. 47f.

"In this way they prove their knowledge...that adultery, theft, and murder are evils; and that honesty is to be esteemed.... There is, therefore, a certain **natural** knowledge of the law which states that one action is good and worthy of being followed – while another is to be shunned with horror."

To Calvin, then, Romans 2:14-15 proves[23] that "the Gentiles have the righteousness of the law naturally engraven on their minds.... We certainly cannot say that they are altogether blind as to the Rule of Life. Nothing indeed is more common than for man to be sufficiently instructed in the right course of conduct by **Natural Law** – of which the apostle here speaks." Thus Rev. Professor Dr. John Calvin.

Calvin on the Law of Nature and the differences between men and women

In First Corinthians 11:3-15, Paul told the Greeks in Corinth (during the middle of the first century A.D.) that even the **Law of Nature** requires that they should emphasize natural headship of the human male. In their age and culture, this was being done – and indeed was required to be done – *inter alia* by their menfolk wearing their hair short (and by their womenfolk wearing theirs long).

There, Paul explains: "The head of the woman is the man.... Does not even **nature** itself teach you that if a man have long hair, it is a shame to him?"

Calvin here comments:[24] "Bareheadedness is unbecoming in women. **Nature** itself holds it in horror.... A woman with her head shaved is a loathsome, indeed an un-**natur**-al sight.... The woman is given her hair as a **natur**-al covering....

"Paul looks...to the eternal Law of God – which has made the female sex subject to the authority of men. Therefore all women are born to submit to the pre-eminence of the male sex. If that were not so, the principle which Paul has derived from **nature** would be beside the point.... His saying that it is...improper for a woman to have her head...shaved...applies to virgins as well."

The same legal principle in Ancient Greece which required women to wear their hair long, also enjoined men to wear theirs short. Hence Calvin remarks[25] that Paul "sets before our eyes the **Law of Nature** when he teaches what is shameful and indecorous" – *viz.* long hair atop a human adult male – "and finally adds that '**Nature**' itself does not permit it."

On First Corinthians 11:14, Calvin further comments[26] that "Paul again sets **nature** before them as the teacher of what is proper." It is Calvin himself who here emphasizes this word **nature**. He then adds that Paul "means by 'natural' what was accepted by common consent and usage.... The Greeks did not consider it very manly

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[23] *Inst.* II:2:22.
[24] J. Calvin: *The First Epistle of Paul the Apostle to the Corinthians*, Eerdmans, Grand Rapids, 1960, pp. 231f.
[25] J. Calvin: *Harm. Pent.*, III p. 100.
[26] *First Corinthians*, p. 235.

to have long hair, branding those who had it as effeminate. Paul considers that their custom...was in conformity with **nature**." Compare Revelation 9:8.

Calvin gives similar comments on First Timothy 2:9-13. There, he states:[27] "Magistrates may indeed make laws by which extravagant desires may be to a certain extent restrained.... Any fashion in clothes which is inconsistent with modesty and moderation, should be disapproved.... The dress of an honourable and godly woman, ought to be different from that of a harlot....

"Paul is not taking from women their duty to instruct their family, but is only excluding them from the office of teaching (*a munere docendi*) – which God has committed exclusively to men.... Women...by **nature** – that is, by the ordinary **Law of God** – are born to obey. For all wise men have always rejected *gunaikokratian*, the government of [or by] women, as an un-**natur**-al monstrosity.... Even if the human race had remained in its original integrity, the true order of **nature** prescribed by God lays it down that woman should be subject to man."

John Selden on the Law of Nature and the Law of Nations

The great John Selden was a very important barrister, theologian and member of the Westminster Assembly in seventeenth-century England. Later, he was appointed even to the key position of Keeper of the Rolls.

In his celebrated book *On the Law of Nature and of the Gentiles*, John Selden writes[28] that the Law of Nature derives *via* Noah from Eden. Selden also gives his learned views[29] on the later influence of the Ancient Hebrews, the Ancient Egyptians and the Ancient Phoenicians. Indeed, he further refers to Pythagoras on the one hand – and to the Common Law of Britain's ancient druids on the other.

In that latter regard, Selden also cites[30] the great (B.C. 70-19) Latin poet – Publius Vergilius Naso. There, Vergil mentions[31] "the Britons – together with the remotest part of the entire divided globe." This indicates not just the fame of the Britons in the eyes of Romans like Vergil – but also shows Roman awareness of Ancient Britain's commerce with Rome's own environment of the Mediterranean world as such.

According to G.W. Johnson in his famous *Memoirs of John Selden*,[32] that latter great lawyer explains the *Jus Naturale* alias the Law of Nature to mean the Law of the World – or Universal Law. Indeed, Selden explains the *Jus Gentium* alias the Law of Nations to be the peculiar law of the different nations.

Selden limits this natural or universal law to those precepts which the Jewish books and traditions lay down as having been delivered by Noah to his posterity – and as

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[27] J. Calvin: *The Second Epistle of Paul the Apostle to the Corinthians and the Epistles to Timothy, Titus and Philemon*, Eerdmans, Grand Rapids, 1964, pp. 216f.
[28] J. Selden: *De Jure Natura et Gentium*, in his *Omnia Omnia Opera*, I, pp. 150-51 (as per G.W. Johnson's summary in his *Memoirs of John Selden*, London, 1835, pp. 264f).
[29] J. Selden: *Omnia Opera*, London, ed. D. Wilkins, 1726, I pp. 83 & 89f.
[30] In *ib.*, I, pp. 832-31.
[31] Vergil: "*penitus toto diviso orbe Britannos.*"
[32] G.W. Johnson: *Memoirs of John Selden*, *op. cit.* pp. 264f.

supposed to have been derived by him from Adam, to whom they were given by God. Of these – Genesis 9:1-7 *cf.* Acts 15:18-29 – seven heads are enumerated. They are: 1, idolatry; 2, blasphemy; 3, homicide; 4, illicit concubinage; 5, thefts; 6, eating flesh severed from a living animal; 7, judicial proceedings and civil obedience.

Under these heads, is given a digest of all the laws embracing the civil and religious polity of the Jews – distinguishing that part of it which belongs to the Universal Law from that which is national or municipal. In an introductory book, Selden details the Hebrew philosophy and the sources of Natural Law according to the Jewish writers. There, he particularly considers the supposed origin and authority of the Noachide precepts.

No one can deny the tremendous value of Selden's work. For it constitutes a valuable repertory of all that which both history and tradition inform us about, concerning the Hebrew institutions – both before and after the Mosaic dispensation.

We need only add here that these Noachic laws noted by Selden were in ancient times better preserved among the Cymric Britons first in the Ukraine and later in insular Britain, than among any other known group of ancient people. In addition, those Ancient Britons and their Druids also longest preserved traces of the Trinity – and even of the Sabbath.

The A.D. 240f Christian Church Father Origen was very erudite, and perhaps the most learned man on Earth at that time. As he himself then explained, anciently "**among** the **Britons**" in particular, "the **Druids**" prior to Christ's incarnation were "**most learned**...on account of the **resemblance** between their traditions and those of **the Jews**." For even the Celts "worshipped the **one** God...**previous** to the coming of Christ," and "had **long** been **predisposed to Christianity through the doctrines of the Druids**" who not only themselves professed to believe in the one true God, but who "had already inculcated the doctrine of **the unity of the Godhead**" in others too. See Origen's *101st Homily on Luke*; his *Against Celsus* I:16; and his *Textual Criticism of Ezekiel*.

Let it be emphasized that it was the **Japhethites** who would dwell in the tents of **Shem**. Genesis 9:27 & 11:10-27. And of those sons of Japheth, it was the descendants only of his firstborn **Gomer** – the ***Cymri*** or **Britons** – who would consistently maintain their own Common Law which they had received *via* Gomer's father Japheth from the latter's father and Gomer's grandfather **Noah**.

The *Westminster Confession of Faith* on the Law of Nature

The above was the view of the jurist John Selden, the Bible-believing Anglican Puritan. He was certainly one of the most learned divines involved with the1643f Westminster Assembly. Indeed, the famous *Westminster Confession of Faith* itself reflects[33] some direct input from the polymath Selden. Moreover, it does so in the very same generation as the great Puritan Champion of the Common Law – Lord

[33] 1:6^{o} & 20:4^{p-r} & 21:1^{a} & 21:7^{k} & 23:2^{b-c}.

Chief Justice Sir Edward Coke (about whom later)[34] – himself referred to the **Law of Nature**.

Thus the *Confession* declares:[35] "There are some circumstances concerning...government...common to human actions and societies, which are to be ordered by **the light of nature** and Christian prudence – according to the general rules of **the Word** which are **always** to be observed. First Corinthians 11:13-14 & 14:26,40."

The *Confession* elsewhere continues:[36] "They who upon pretence of Christian liberty shall oppose any lawful power or the exercise of it, whether it be **civil** or ecclesiastical, resist the ordinance of God. First Peter 2:13-16 & Romans 13:1-8. And for their publishing of such opinions or maintaining of such practices as are contrary to **the light of nature** or the **known principles of Christianity**...as...are destructive to the external peace and order which Christ has established..., they may lawfully be called to account and proceeded against by...the power of the civil magistrate. First Peter 2:13-16; Romans 13:1-8; 1:32; First Corinthians 5:1,5,11,13; Deuteronomy 13:6-12; Ezra 7:23-26; Nehemiah 13:15-20; Second Kings 23:5-20; Second Chronicles 34:33; 15:12-16; Daniel 3:29; First Timothy 2:2; Isaiah 49:23; Zechariah 12:2-3."

The *Confession* also goes on:[37] "The **light of nature** sheweth that there is a God Who hath lordship and sovereignty over **all**. Romans 1:20; Acts 17:24." Indeed, it is even "of the **Law of Nature** that in general a due proportion of time be set apart for the worship of God. So, in His Word – by a positive, moral and perpetual commandment **binding all men in all ages** – He hath particularly ordained one day in seven for a sabbath, to be kept holy unto Him...**from the beginning of the world** – to be continued **to the end of the world**. Exodus 20:8-11; Genesis 2:2-3; First Corinthians 16:1-2; Matthew 5:17-18."

Finally, the *Confession* concludes:[38] "It is **lawful** for Christians to accept and execute the office of a magistrate when called thereunto: in the management whereof...**they ought to maintain piety, justice and peace** according to the **wholesome laws** of each commonwealth. Proverbs 8:15-16; Romans 13:1-4; Psalm 2:10-12; First Timothy 2:2; Psalm 82:3-4; Second Samuel 23:3; First Peter 2:13." Such laws are indeed "wholesome" – only when not counter to the Law of Nature (which in turn is expressed ethically, at best, precisely in the Ten Commandments).

The relationship between law and civilization

The famous sixteenth-century Elizabethan chronicler Raphael Holinshed once stated that "alteration of **ordinances** is the chief and principal token of change in rule and government." So too the great Edward Gibbon, in his famous work *The Rise and Fall of the Roman Empire*. Declared Gibbon: "**The <u>laws</u> of a nation form the most**

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[34] See below at nn. 58 & 79f-85.
[35] 1:6[o].
[36] 20:4[p-r].
[37] 21:1[a] & 21:7[k].
[38] 23:2[b-c].

instructive part of its history."[39] The renowned 25-volume *Historians' History of the World* similarly observes[40] that with regard to government or commerce, nothing can better show the genius of the age – than a review of the **law**. Indeed, in their famous book *Roman Law and Common Law*, Buckland and McNair rightly remark[41] that in the long run precisely the law of a nation expresses its character.

1959 saw the publication of an important book with the arresting title *Law and Civilization*.[42] The author was Dr. Palmer D. Edmunds – A.B., LL.D. (Knox); LL.B. (Harvard) – Professor of Law at Chicago's prestigious John Marshall Law School.

The Virginian John Marshall himself had been Chief Justice of the United States under President John Adams (and subsequently) – from 1801 till 1835. Marshall was a close colleague[43] of the later famous 'Common Law' expert, U.S. Supreme Court Justice Joseph Story. The latter himself was a dedicated Christian; held that the U.S.A. was a Christian nation; and authored the famous *Commentaries on Equity Jurisprudence* (1836) and *Commentaries on Equity Pleadings* (1838).

Law Professor Edmunds's self-proclaimed thesis as to the necessary relationship between law and civilization well agrees with that of Holy Scripture. Accordingly, we now give an extensive paraphrase of Edmunds – interlaced with our own Scripture references which highlight his various points.

Dr. Edmunds argues[44] that the good things of life come only through civilization. In turn, civilization itself comes only through a social order grounded on law. Without law, there cannot be civilization. Genesis 1:26-28 *cf.* 2:7-9,15-17,22-25.

According to Edmunds,[45] the presence of some degree of social order is indicated in the accounts of even the earliest times. There must always have been some rules of order within the family. Genesis 4:1-7. There could hardly have been an extended period when groups of families lived in juxtaposition to each other – without some understanding as to their mutual relationships. Genesis 4:13-15, 24-26.

Appreciation of the problem will be facilitated by contemplation of the proverbial man, cast ashore on a desert island. *Cf.* Genesis 2:8f. We should note at the outset – and it is important to do so – that he is at all times subject to the operation of **the Laws of Nature**. Without food, he cannot live. Genesis 2:9,16; Romans 1:19-20 & 2:14-16.

Let another 'castaway' appear, however, and the picture is basically altered. There would come mutual realization that each would be better off to have a companion.

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[39] R. Holinshed's *Description of England* (in his *Chronicles*, AMS Press, New York, 1965 rep. ed., I, pp. 49f); E. Gibbon's *Rise and Fall of the Roman Empire* (1776), Frowde ed., Oxford Univ. Press, London, 1906f rep., II p. 7 *cf.* IV pp. 524f.
[40] *Historians' History of the World*, The Times, London, 1908, 19:203.
[41] W.W. Buckland & A.D. McNair: *Roman Law and Common Law*, University Press, Cambridge, 1936, p. xvi.
[42] P.D. Edmunds: *Law and Civilization*, Public Affairs Press, Washington D.C., 1959, pg. i.
[43] Thus the *New Illustrated Columbia Encyclopedia*, New York: Columbia University Press, 1979, 14:4234, art. *Marshall, John*.
[44] *Op. cit.*, pp. 4-18.
[45] *Id.*

See: Genesis 2:18-25. Even the famous sociologistic Law School Dean, Roscoe Pound, has pointed out that in its beginnings – law was a means toward a peaceful ordering of society. The development of the law, and the state of order associated with civilization, proceeded concurrently. History too certainly confirms the saying: 'Wherever there is a society, there is also a law.'" Genesis 9:1-7.

The course of civilization to the present, has been a tortuous one. The scientific and commercial achievements which characterize it are founded upon observation and experimentation, making step-by-step advances traceable through remote centuries. Genesis 1:26ff; 9:1-7; Psalms 8:1-9; 119:89ff; 148:1-6; First Corinthians 15:20-28,45-47; James 3:3-7.

Law has made these achievements possible, by providing the basis of order – without which civilization could not be. A vast proportion of all 'law' that is applied today in the courts of man's several countries, had its real origin long before the government. Some of it is as old as the Scriptures. Men have had to live and work together – ever since their creation.

However, not only has there been human co-existence ever since man's creation. Also ever since his creation – there has been no better way to trace the **development** of all human civilizations, than to examine precisely their **laws**.

1957-58 American Bar Association President Charles S. Rhyne has rightly written[46] that civilization as we know it can best be preserved and advanced by law. No one can dispute that the brightest chapters are those which record advances in utilization of law. The Ten Commandments and the Law of Moses and the Common Law of England are illustrations of such chapters. In every community, city, state or nation – civilization has blossomed and advanced as law has replaced force. Where law has prevailed, individual freedom of man has been strong – and progress great.

While the peoples of the world speak through many different languages and have many diverse forms of government, the 'rule of law' is a universal idea and ideal which all men have in common – even in countries that do not now live under that rule. Elementary principles of right and wrong, are common to all legal systems – even where very differently defined.

'Justice' means the same to people everywhere, even where it is denied by governments which do not adhere to its principles. President Eisenhower was right beyond question in saying that "if civilization is to survive, it [the World] must choose the 'rule of law.'" Thus Chicago Law Professor Dr. P.D. Edmunds.

Christianity, the Law of Nature, and the Law of Nations

Even in degenerating France – until immediately before her 1789 Revolution, Christianity had held sway (however nominally). Both in that land of Calvin's birth, as well as among the French-speaking Swiss, this is seen from the legal writings of the great French-Swiss jurist – Emerich de Vattel.

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[46] Cited in Edmunds: *op. cit*., pp. iii-v.

Vattel had first published his eminent work on the *Law of Nations or Principles of the Law of Nature* – in 1758. As late as 1773, there was a posthumous edition, again in French – adding, however, the author's own valuable notes.[47]

Subsequently, the famous English barrister-at-law Joseph Chitty published his own annotated edition[48] of Vattel's above-mentioned book. There, Chitty himself – **even as late as 1834** – appended an important note.[49]

Noted Chitty: "In case of doubt arising upon what **is** the Law of Nations, it is now an admitted rule among all European nations that our common religion, **Christianity** – pointing out the principles of **Natural Justice** – **should** equally be appealed to and observed by all, as an unfailing rule of construction. Ward's *Law of Nations*."[50] Indeed, continues Chitty, the **Law of Nations** has been adopted in Great Britain in its full and most free extent **by the Common Law** – and is held to be part of the law of the land.

Barrister-at-Law Chitty then concludes: "The ['natural'] **Law of Nations**...is that of God and our conscience, and consequently immutable – and **ought** to be the basis of the **positive** laws of nations.... The **Natural Law** is the **Science of the Laws of Nature** – of those laws which Nature imposes on mankind; or to which they [men] are subject by the very circumstances of their being men.... We call those rules the **natural laws** or the laws of nature. They are certain, they are sacred, and obligatory on every man...even though we should suppose him totally ignorant of the existence of a God.

"But the Author of the universe adds the most lively energy to the Law of Nature.... It is, then, His wish that His creatures should be as happy as is consistent with their nature.... Thus, the **Will** of the Creator perfectly coincides with the simple indications of **Nature**; and those two sources [God's Revealed **Will** and the Laws of **Nature**], producing the same Law, unite in forming the same obligation.... There is, therefore, no man – whatever may be his ideas respecting the origin of the universe – even if he had the misfortune to be an atheist – who is not bound to obeys the Laws of Nature."

Natural Law, Blackstone, and the U.S. *Declaration of Independence*

Chicago Law Professor Edmunds rightly explains[51] that the forefathers and the framers of the *Constitution of the United States* were under the strong influence of Natural Law philosophy. He regards it as appropriate to turn for a **detailed exposition** of it to Sir William Blackstone, whose 1765 *Commentaries on the Laws of England* – widely read and influential in the American Colonies – put it into historical perspective.

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[47] Compare V. Hall: *Self-Government with Union*, American Christian Constitution Press, San Francisco, 1962, II pp. 290-98.
[48] See *New Illustrated Columbia Encyclopedia* (*NICE*), Columbia University Press, New York, 1979, 23:7078, art. *Vattel*. Compare too J. Chitty's *The Law of Nations or Principles of the Law of Nature.... From the French of Monsieur de Vattel* (Sweet, Stevens & Maxwell: London), 1834, pp. i-v.
[49] *Op. cit*., pp. liii-liv.
[50] 2 Ward's *Law of Nations*, pp. 11,229,340.
[51] *Op. cit.*, pp. i & 182f.

Held Blackstone in his *Analysis of the Laws of England*:[52] "Law is a rule of action prescribed by a superior power.... Natural Law is the rule of action, prescribed by the Creator, and discoverable by the light of reason.... The divine or Revealed Law (considered as a rule of action) is also the Law of Nature, imparted by God Himself."

Indeed, in his famous *Commentaries on the Laws of England*, Blackstone adds[53] that "law in its most general and comprehensive sense signifies a rule of action – and is applied indiscriminately to all kinds of action.... When the Supreme Being formed the universe and created matter out of nothing, He impressed certain principles upon the matter – from which it can never depart, and without which it would cease to be. When He put that matter into motion, He established certain laws.

"This then is the general significance of law.... But laws in their more confined sense...denote the rules not of action in general but of **human** action or conduct – that is, the precepts by which man...(a creature endowed with both reason and free-will) is commanded to make use of these faculties.... Man, considered as a creature, must necessarily be subject to the laws of his Creator. For he is entirely a dependent being. Any human law must be in conformity with this basic Law of Nature, or it will not work. And, consequently, as man depends absolutely on his Maker for everything – it is necessary that he should in all points conform to his Maker's Will.

"Considering the Creator only as a Being of infinite power, He was able unquestionably to have prescribed whatever laws He pleased to His creature man – however...severe. But as He is also a Being of infinite wisdom, He has laid down only such laws [for man] as were founded in those relations of justice that existed in the nature of things....

"These are the eternal, immutable laws of good and evil to which the Creator in all His dispensations conforms; and which He has enabled human reason to discover.... The Creator has not perplexed the Law of Nature with a multitude of abstracted rules and precepts...but has graciously reduced the rule of obedience to this one paternal precept 'that man should pursue his own true and substantial happiness.' [*cf.* Matthew 22:36-40]."

Blackstone continues: "This is the foundation of what we call ethics or Natural Law.... This Law of Nature, being coeval with mankind and dictated by God Himself, is of course superior in obligation to any other. It is binding over all the globe; in all countries; and at all times. No human laws are of any validity, if contrary to this. And such of them as are valid, derive all their force and all their authority – mediately or immediately – from this original.

"If our reason were always (as in our first ancestor before his transgression) clear and perfect...we should need no other guide but this. But every man now finds the contrary in his own experience: that his reason is corrupt; and his understanding full of ignorance and error. This has given manifold occasion for the benign interposition of Divine Providence....

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[52] Sir W. Blackstone: *Tracts*, Clarendon, Oxford, ed. 1771, p. 14.
[53] Sir W. Blackstone: *Commentaries on the Laws of England*, University Press, Chicago, 1979 rep., I, pp. 17,35f,63f,73,95,39-40.

"The doctrines...we call 'the revealed or Divine Law'...are to be found only in the Holy Scriptures. These precepts, when revealed, are found upon comparison to be really a part of the original Law of Nature – as they tend in all their consequences to man's felicity.... The moral precepts of this Law are indeed of the same original with those of the Laws of Nature."

In light of the above citations from Blackstone, Chicago Law Professor Edmunds then observes[54] that American Law is indebted to Natural Law concepts for much of its trend and content. Thus one reads in the immortal paragraph introducing the *Declaration of Independence*:

"When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the Earth the separate and equal station to which the Laws of nature and of nature's God entitle them – a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness."

Mark that immortal paragraph! Indeed, one should mark especially its words "separate and equal" and "the causes which impel...to the separation" *etc*. For thus insists the American *Declaration of Independence*. Yet, in the nineteen-fifties, the socialisticized U.S. Federal Government declared itself to be independent of and remote from the original *Declaration*. It did so when that Government *inter alia* rejected these very notions of "separate and equal" and "the causes which impel...to the separation" *etc*.

However, perhaps "in the course of human events" the American people may one day yet again "dissolve the political bands which have connected them with another" power. For today the U.S.A. is being tyrannized by the power of a cosmopolitanized Federal Government. Indeed, the latter has now become a body which has very clearly alienated itself from its own American roots.

The menace of (resurgent) Paganism in Greek and Roman Law

Over against the indeed more-or-less Biblical views of Law held in the Hebraic and Christian traditions of Northern Europe and North America as discussed above – stand Pagan Greek Law and Pagan Roman Law, with their very considerable departures from Biblical norms. Nowhere is this more clearly seen than in the corrupt Pagan Greek view of the Law of Nature – which ultimately sought to justify even homosexuality as 'natural' (*sic*).

Indeed, corruption is also seen even in the Pagan Roman legal view of the *Jus Gentium*. A few words of explanation will make this clear.

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[54] *Op. cit.*, pp. 187f.

Roman Civil Law was originally the Common Law of the City-State of Rome. However – as explained in his famous book on *Ancient Law* by the great Sir Henry Maine (K.C.S.I., LL.D., F.R.S.)[55] – when **inter-tribal** commerce expanded in Pre-Christian Italy, the **Roman** lawyers refused to decide the new cases by purely Roman Civil Law. Still less were they willing to try cases involving both Romans and Non-Romans – by the Civil Law of any **Non**-Roman State. For it seemed to them to involve some kind of degradation – to apply the law of the particular Non-Roman State from which the foreign litigant came, especially if and when the other party was himself a Roman.

The expedient to which they resorted, was that of selecting the rules of law common to Rome and to the different Italian communities into which the immigrants to Rome had been born. They set themselves to form a system answering to the primitive and literal meaning of *Jus Gentium* – that is, 'Law common to all Nations.' *Jus Gentium* was in fact at first only the sum of the common ingredients in the customs of the old **Italian** tribes. For they were all the nations whom the Romans then had the means of observing.

In this way, the Roman *Jus Gentium* was originally at most the 'Law of Italians' – rather than truly the 'Law of Nations' everywhere. Moreover, the Roman doctrine of *Jus Gentium* was of comparatively **recent** Roman fabrication – very largely for the benefit of Rome alone. It bore little resemblance to the Pre-Roman 'Law of Nations' ordained by God for all the **World**, right after the destruction of the Tower of Babel, so that all nations should come and worship Him. Genesis 9:18f; 10:1-32; 11:1-9f; Deuteronomy 32:7-9f; Acts 17:26f; Revelation 15:4.

The circumstances of the origin of the *Jus Gentium*, continues Maine, are probably a sufficient safeguard against the mistake of supposing that the Roman lawyers had any special respect for it. It was the fruit in part of their disdain for all foreign law, and in part of their disinclination to give the foreigner the advantage of their own indigenous *Jus Civile* [or Roman Civil Law].

There did come a time later, however, when the *Jus Gentium* came to be considered a great (though as yet imperfectly-developed) model to which all law ought as far as possible to conform. This crisis arrived when the **Greek** theory of a 'Law of Nature' was applied to the practical Roman administration of the 'Law common to all Nations.'

This, however, only made matters worse. For it not only imported the **Pagan Greek concept** of the Law of Nature into the Roman *Jus Gentium*. It also marked the beginning of a Roman doctrine of *Jus Naturale* derived neither from Holy Scripture nor from Comparative Law but solely from Greek Paganism.

Hence, as Maine concludes, the *Jus Naturale* or 'Law of Nature' is simply the *Jus Gentium* or 'Law of Nations' seen in the light of a peculiar theory. For the Pagan Greek conceptions of Nature and her law, signified the physical world regarded as the result of some primordial element or law.

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[55] H. Maine: *op. cit.*, pp. v & 52f & 235.

The Greeks extended the term till it embraced not merely the visible creation – but also the thoughts, observances and aspirations of mankind. To live according to 'nature' was to rise above the disorderly habits and gross indulgences of the vulgar – to higher laws of action which nothing but self-denial and self-command would enable the aspirant to observe. It is notorious that this proposition – 'Live according to nature!' – was the sum of the tenets of the famous Stoic philosophy.

It is even more notorious that Stoicism was merciless and impersonal. Indeed, it had very little respect for the Decalogue of the Personal Triune God – and no respect whatsoever for the Triune God Himself.

Especially at the 1789 French Revolution and its aftermath, history saw a resurgence of these views. A discussion of this is now deferred – until after first dealing with the development of its very antithesis: Anglo-American **Common Law**.

Blackstone; the Common Law of England; and the *U.S. Constitution*

The contemporary Law Professor Dr. Palmer D. Edmunds of Chicago declares[56] that U.S. President James Madison once said the Common Law had been called our birthright. In the words of the Supreme Court of the United States, the cardinal principles of justice are immutable. The Common Law antedates formal legislatures as instruments of government.

Common Law in the United States roots *inter alia* in the Common Law of England; English Church Law; Hebrew Law; and Custom based on the sense of justice of the human conscience as to what seems right – as derived from religious teachings. *Cf.* Romans 2:14-16. Blackstone himself explains[57] that the ancient collection of unwritten maxims and customs which is called the Common Law had subsisted immemorially. An academic expounder of the laws, he continues, should be engaged in tracing out the originals and as it were the elements of the law.

These originals should be traced to their fountains – to the customs of the Britons and Germans as recorded by the B.C. 58f Julius Caesar and the A.D. 98f Cornelius Tacitus; to the Codes of the Northern Nations on the European Continent, and more especially to the Anglo-Saxons in England from A.D. 449 onward. Above all, they should be traced to that inexhaustible reservoir of legal antiquities entitled the 'Law of Nations' – weighed and compared with the precepts of the 'Law of Nature.'

The A.D.1765 Blackstone further explains that the British druids committed all their laws as well as their learning to memory. This is also said of the first Saxons in Britain, as well as their brethren on the Continent. These customs are as old as the Ancient Britons, and continue down to the present time unchanged and unadulterated. Indeed, the first ground and chief corner stone of the laws of England is – in general – immemorial custom or Common Law.

Sir Edward Coke supposed the Common Law of Britain and Scotland originally to have been the same 'Old Common Law' of both kingdoms. Moreover, inasmuch as the

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[56] *Op. cit*., pp. 343f.
[57] *Op. cit.*, I, pp. 17, 35ff, 63ff, 73, 95, 39-40.

Scots themselves had migrated to Scotland from Ireland (between B.C. 370 and A.D. 430) – this also implies that the Common Law of Britain and the yet older Irish Common Law both derive from the same root. That latter root we suitably call 'Proto-Celtic' Common Law – alias Celto-Japhethitic Common Law. Genesis 9:27 to 10:5.

Indeed, even more remotely, when God created matter and endued it with a principle of mobility – He established certain rules for the perpetual direction of that motion. Similarly, when He created man and endued him with free-will to conduct himself in all parts of life – He laid down certain immutable laws of human nature whereby that free-will is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purpose of those laws.

No wonder then – with the Old Common Law of the British Isles initially rooting in the Moral Law of nature, and of nature's God Himself – that the 1776 *Declaration of Independence* and the 1787-91 *Constitution of the United States* both make some very positive declarations thereanent. For they too both root in British Common Law.

King George III, complained the Americans in 1776, had then attempted "abolishing the free System of English Laws" in the New World. For he, they averred, had been "taking away our Charters" and "abolishing our most valuable Laws" *etc*.

Continued the Americans in 1787: "This *Constitution* and the laws of the United States which shall be made in pursuance thereof...shall be the supreme law of the land.... The right of trial by a jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of **the Common Law**."[58]

The origin, character, and preservation of the Common Law

Now 'Common Law' – as distinct from local custom – means the law which is common to an entire human community at large. It is traditional, having been handed down for many generations. Originally, it was largely unwritten.

The Common Law is ultimately to be grounded in God's Law for Nature, and in nature's God (Romans 2:14-15). Subsequently, however – during the course of its ongoing development – it has been re-inforced *inter alia*: by the Law of Nations (Genesis 9:1 to 11:9); by Mosaic Law (Exodus 20 to Deuteronomy 27); and by the teaching of the Second Adam Jesus Christ (Matthew 5 to 7 *cf.* First Corinthians 15:22-28,45-47 *etc*.).

Unfortunately, however, just several centuries ago, many Common Law systems were replaced by Imperial Roman Law in its later phases of development. As the *Encyclopaedia Britannica* rightly observes in its article on 'Common Law'[59] – in the early sixteenth century most countries in Europe underwent the influence of what was known as the 'Reception' of Roman Law. For then, the latter was 'received' into various European countries. Thus Roman Law then displaced their old customary or

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[58] Art. VI & VII and the 7th Amendment.
[59] *Enc. Brit.*, 14th ed., 6:123, art. *Common Law*.

'Common Law' – or, as it was sometimes expressively called, their *Folckruhlte* (alias their 'Folk-Law'). England alone then escaped this invasion by an alien system of law.

Prior to that Continental 'Reception' of Roman-Romish Law, the pre-existing and constantly unfolding Common Law of every nation stretched back all the way to its very origin just before the building of the Tower of Babel. Genesis 10:1-5f & 11:1-9. Ere that, Common Law was the same throughout the whole of human society. Genesis 1:26f & 9:5-7. All **differentiation** into the various Common Law systems of each particular nation, came later – after God's destruction of the Tower of Babel and His dispersion of humanity into the various nations throughout the World. Deuteronomy 32:8f & Acts 17:26f.

Of those nations, it was the Japhethites who would dwell in the tents of Shem. Genesis 9:27 & 11:10-27. And of those sons of Japheth, it was the descendants only of his firstborn Gomer – the *Cymri* or Britons – who would consistently maintain their own Common Law and refuse to 'receive' the Imperial Law of the Roman *Chittim*. Numbers 24:24 and Daniel 9:26f & 11:30f.

So, from man's creation till his fall and even down to the great flood, Common Law – as distinct from local customs – thus obtained uniformly everywhere. Subsequently, it was best preserved especially in the Ancient British Isles – and later still in Anglo-Saxon England built upon that foundation.

Prior to man's fall, it was unwritten by the hand of man. Yet even then and ever since, it was written by the hand of God upon the hearts of our first parents and all of their descendants. Ecclesiastes 7:29 *cf.* Romans 2:12-15.

The various meanings of the phrase 'Common Law'

Usually, the phrase 'Common Law' is (imprecisely) employed to refer to Anglo-British Customs. By this is meant the Celto-Saxon amalgam which later **successfully** withstood that version of mediaeval Roman Law which (to a minute extent and for a short time) was introduced even into Britain by the Norman Invasion from A.D. 1066 onward.

However, the term 'Common Law' is sometimes also used to describe those later legal systems strongly influenced by Celto-Saxon alias Anglo-British Law. Such systems include: English Law; Australian Law; New Zealand Law; Canadian Law (except in Quebec); Indian & Malaysian Law (except as to their Non-British components); and United States Law (except in Louisiana);

Indeed, British Common Law is also the foundation of the entire Criminal Law and Procedure of the Republics of South Africa and Zimbabwe. It is further found in all British and American Colonies and Ex-Colonies throughout the World. Portions of it were part of the Law of the Irish Free State, and its influence is still felt in the Republic of Eire.

Furthermore, Common Law is still found in those portions of French Law derived from the Teutonic Salian and Riparian Franks. It also features in parts of the legal systems of the Near East – in those of Egypt, Jordan, Palestine, and even modern

Israel. For, as the Israeli jurist Dr. Gabriel Sivan of Jerusalem's Hebrew University has acknowledged,[60] the legal system of Israel has drawn largely from English Common Law – a legacy of the British Mandate.

As such, 'Common Law' stands ranged over against the various later Romanic systems on and from the Continent of Europe. Those include Italian, Spanish and Portuguese Law – and of course also the legal systems of Quebec, of Latin America, and of Francophone Africa.[61] Even Romanian and Modern-German Law is largely Roman Law – intermixed with various other surrounding customs.

Yet the (unwritten) Common Law of every land is to be traced back to the law-revelation by Gods to Adam and Eve – as the first ancestors of the entire human race both before and after their fall. This means that Common Law initially roots in the pre-fall Law of God. By that is meant the then-unobscured Law of nature and of nature's God, indelibly written by Him upon the hearts of the first human pair (who were His very own image).

Below, we ourselves shall use the term 'Common Law' in this ancient sense. We mean the original 'Common Law' of every land, both before and shortly after the destruction of the Tower of Babel and the dispersion of humanity into the world of nations – as initially derived from the law given to the first human pair in common. Genesis 1:26-28 & 2:15-25 and 11:9 *cf.* Deuteronomy 32:8.

However, it is especially in the British Isles – in Anglesey, the Channel Islands, Cornwall, Cumbria, Ireland, the Isle of Man, Wales, Ancient Scotland, and Pre-Norman England – that this 'Common Law' best retained its pristine purity. Genesis 9:27 & 10:1-5. It still does, especially in Anglo-American and Anglo-Australian Common Law.

The Canonist Dodd on superiority of British Common Law to Romish Canon Law

Law Professor Edmunds rightly maintains[62] that English Equity, accumulated through judicial precedents amassed over countless generations, is very much more flexible than the Praetorian Edicts of Roman Law ever were. Far more remarkably, however, even the 'High-Churchman' Rev. J. Dodd – in his illuminating book *A History of Canon Law in Conjunction with Other Branches of Jurisprudence* – accurately assesses[63] the superiority of British Common Law.

First, Dodd defines the word law. He explains[64] that all is administered under the government of the same Omnipotent, Watchful and Superintending Power. The law of the action of that Power is the same unerring Will Which formed each thing at first, giving the existence adapted to each, and which it will continue to the end. All law, in

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[60] *Op. cit.*, p. 123 n. 16.
[61] See Edmunds: *op. cit.*, pp. 64,179,216,264.
[62] *Ib.*, p. 151.
[63] J. Dodd : *A History of Canon Law in Conjunction with Other Branches of Jurisprudence*, Parker, Oxford, 1884, pp. 70f & 7.
[64] *Op. cit.*, p. 6.

the abstract, emanates from and is based upon the originating Will of God. 'By Me,' says God in His Wisdom (Proverbs 8:15), 'kings reign and princes decree justice.'

It would seem that even many pagans heard about the laws of Abraham. Genesis 12:1-7f; 13:1-18; 14:13-24; 17:5-27; 18:18f; 20:7; 21:22-24; 22:17f; 23:5f; 25:1-10f; 26:4f. Indeed, also in the approximately B.C. 105f historical book of First Maccabees (12:20), it is stated that the king of the Spartans in Greece previously wrote to Onias the high priest of Judah. Wrote the Spartan: 'Greetings! It has been found in writing, that the Spartans and Jews are brethren – and that they [the Spartans] are of the race of Abraham.'

Yet Dodd explains[65] it was not so much Abraham in Canaan as Moses upon Mount Sinai who stands out pre-eminently as the grand Lawgiver of the Israelites. The fame of Moses, however, was not confined to his own people. The heathen too were probably well acquainted with his name.

The Patristic Father Justin Martyr insists that even Plato had high regard for Moses. Also the neoplatonistic philosopher Longinus speaks of Moses as 'one of the most glorious legislators.' Indeed, the hellenized Alexandrian Jew Philo too states that the fame of the laws of Moses had gone forth throughout the World.

As the inspired Apostle James declares: "Moses from olden times has in every city those who preach him, being read in the synagogues every sabbath day"; everywhere throughout the *Diaspora*. Thus the Mosaic Law became well-known to both Jew and Gentile – in and around all the colonies of the Hebrews scattered throughout the Mediterranean and beyond. Acts 15:13-21 *cf.* James 1:1 and First Peter 1:1.

Also the *circa* B.C. 20f Philo Judaeus claimed:[66] "The Law itself in its effects...could **not be limited** to the people whom it more immediately concerned." Dodd adds that even legislators of other nations traced their respective laws **backward** to a Divine source.

Indeed, every law which claims obedience, whether with reason or without reason, grounds (or at least tries to ground) its claims upon the first and real foundation of all authority. *Summa ratio est quae pro religione facit* – 'the highest reason is that which makes for religion.'[67]

Thus, a custom or statute directly contrary to Divine Law would be void. See in Barrister Herbert Broom's *Legal Maxims*[68] (and the authorities there cited). Compare too Ecclesiastes 7:29 & Romans 2:14-16.

Dodd was a Canonist – a combiner of Roman Law and Church Law. Yet he was also quite critical of Imperial Roman Law. Indeed, he was far more appreciative of British Common Law with its massive groundings in the Bible. Thus, he was more than willing to confront Roman Law also with the Common Law.

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[65] *Op. cit.*, p. 70 *cf.* 129.
[66] Philo: *Life of Moses*, II, p. 131.
[67] *Co. Litt.* 341a; *Dig*. 11:7:43.
[68] H. Broom: *Legal Maxims*, Maxwell, London, 1864, 4th ed., 20.

For example, Dodd explains[69] that Paul too put forward this Biblical principle – and very prominently so – even to the great pagan law-giving people themselves. For he tells them in his Epistle to the Romans (13:1) – 'There is no power, but of God.' Moreover, 'the powers that be' – *i.e.*, whether powers of legislation or of administration – 'are [all] ordained by God.' Indeed, they are thus ordained not only in their source and beginning – but also as regards the constitution and settled existence of that power.

The Canonist Dodd further remarks[70] that British Common Law is a Law which, from its prevalence, may be said to be superior to all other kinds of Law – except what we know by the name of Statute Law (which again is only the issue of principles that govern our Common Law). It has been called the Law of 'Precedents' – as consisting of a collection of 'Customs' and 'Maxims' which derive the force of law from long and immemorial usage.

Now British Common Law had always been highly esteemed. Plowden calls it '**tried** reason.' Coke speaks of it as 'the perfection of reason.' But one of the most remarkable designations of it, is *lex non scripta* – 'the unwritten law' (alias Ancient Law prior to any later inscripturation or codification thereof). Thus, Lord Chancellor Ellesmere says that Common Law 'is grounded upon the Law of God – and extends itself to the original Law of Nature' or the 'Universal Law of Nations.'

For this reason, concludes Dodd, it is one of the peculiarities of English jurisprudence that the Common Law is held in such high and peculiar veneration. This has probably not been without its effect in giving greater stability to English institutions – than is found in most European nations.

Why Common Law developed and flourished especially in the British Isles

The "island insula-tion" of the British Isles from the European Continent during countless centuries in the past, understandably shielded them greatly from many pagan influences. It also protected those Western Isles against the later unsuccessful attempt by some of the Normans to romanize the British legal system.

The Common Law of England never could and never would have thrived or developed – explains Law Professor Edmunds[71] – in a community imbued with the principles, theories, manners and customs of either the Persian, Grecian, Roman or Islamic cultures. There was, lacking in each and all of them, the elements of the Common Law of England.

To the island of Britain – on which were already the high-spirited Celts – came the Angles, the Jutes and the Saxons. They were peoples who, measured in the standards of that day, were characterized by high regard for the sanctity of domestic relations;

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[69] *Op. cit.*, p. 6.
[70] *Ib.*, pp. 38f.
[71] *Op. cit.*, p. 411.

strict observance of individual obligations; and by a strong feeling of personal independence.

Looking back through the centuries, it is evident that these peoples of the British Isles had peculiar aptitudes for laying the Common Law foundations and erecting the structure's framework. In this environment, the Common Law began. People were living in separated communities or separated petty kingdoms in Ancient Britain. Usages, geared to their needs and way of life, gradually crystallized in a natural manner – and became recognized as establishing and regulating their rights and obligations.

They had a living and a growing force. Such were the humble 'grass-roots' beginnings of the Common Law which is sometimes referred to as the 'unwritten law' – even though much of it had been recorded previously, though impermanently. Indeed, more of it has been recorded subsequently in a way still extant. Thus Chicago Law Professor Edmunds.

The *Encyclopedia Americana* calls[72] the Common Law the great body of unwritten law in England and the United States. Explains the *Americana*: "An unwritten law is presumed to have been always[!] in effect, and to be applicable to rights acquired or existing in the remotest[!] times past." Compare the Ancient Laws of the British druidical judges noted by Julius Caesar, during his unsuccessful invasion of Britain in 55 and again in 54 B.C.

This does not of course mean that other European (and also Non-European) countries did not – prior to their 'Reception' of Roman Law or of any other alien system – themselves too have systems of Common Law. In point of fact, they did – though in varying stages of preservation, and in divers degrees of degeneration. Compare, for example: the Ancient Irish Common Law; the Pre-Imperial Ancient Roman Common Law; the Pre-Statutary Montenegrin Common Law; and also the Pre-Roman Dutch Common Law.[73]

However, this does mean that such "uninsulated" countries on the European Continent later – through their reception of Roman Law – esteemed their own Ancient Common Law (in relation to their subsequent and romanized Statute Law or Written Codes) much less highly than was and is done in the "island-insulated" British Isles. Indeed, this explains why the Common Law survived in Britain – but not on the European Continent.

The Garden of Eden was the 'place of conception' of the Common Law. Yet Britain was its 'birth-place.' Too, also for **geographical** reasons, precisely Britain was also its postnatal 'cradle' – before Britons later took it overseas to America, Canada, and Australia, *etc*.

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[72] 1951 ed., 7:410f.

[73] See: R.E. De Beer's *Analysis of Salmond's Jurisprudence*, Stevens & Haynes, London, 1911, p. 9. L. Ginnell's *Brehon Laws*, Unwin, London, 1894; R.W. Lee's *Introduction to Roman-Dutch Law*, Clarendon, Oxford, 1946, pp. 237-46; and P.D. Edmunds's *op. cit.*, 1959, pp. 344,348f,412f.

However, the British Isles are unique not just for geographical but also for **historical** reasons. This is on account of factors produced by their very insulation – and also because of their geographical location.

As Law Professor Edmunds rightly observes,[74] geographical isolation played its part in the development of the Common Law. The island of Britain was aloof from much of the turbulent succession of events on the Continent of Europe during the centuries in which there was a physical struggle for territorial sovereignty with the aggrandizements incidental to such domination.

Here, we ourselves particularly think of the constant wars and papal aggrandizements which have plagued Europe for all too many centuries. This also helps to explain why especially Britain became a Protestant power – and why that Protestantism is so evident in her Common Law (both ancient and modern).

British Common Law also better preserves Pre-Babelic Universal Common Law than does the Post-Babelic Common Law system of any other nation. For the Common Law of the British Isles is indeed (through Ancient-Brythonic or Early-Welsh Law and also through Iro-Scottish or Early-Gaelic Law) traceable right back to the time before the Babelic dispersion of Genesis 11:1-9. It is, in the Bible, traceable right back to Noah's Japhethitic children Gomer and Magog (Genesis 10:1-5) – and, through Ancient Irish Law, even to the godly Noah's godly father Lamech (the grandson of the godly Enoch). Compare Genesis 5:22-31.

A careful comparison of the content of Ancient Celto-Brythonic and Ancient Iro-Scottish Common Law on the one hand with the first eleven chapters of Genesis on the other – and indeed also with the later Mosaic Law – will confirm this. Indeed, even the infamous English Star Chamber laid it down that "libelling and calumnation is an offence against the Law of God" – and sought their legal basis in Exodus and Leviticus. Thus Plucknett's *History of Common Law*, 2nd ed., p. 431.

The major impact of the Holy Bible upon British Common Law

In his important book *The Bible and Civilization*, the modern Israeli scholar Dr. Gabriel Sivan of Jerusalem's Hebrew University rightly asks a very important question. To what extent, he queries,[75] has "Jewish Law" – by which he seems to mean the Old Testament judicials – impressed itself upon the legal concepts of the Western World?

Sivan himself then answers as follows. Jurists of the not so distant past enthusiastically traced the practice of sending English judges 'on circuit' to hear cases in different towns – to the prophet Samuel's method of dispensing justice. First Samuel 7:16. Indeed, also the twenty-fifth section of *Magna Carta* (dealing with weights and measures) – was said to betray the influence of the twenty-fifth chapter of Deuteronomy.

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[74] *Op. cit.*, pp. 411f.
[75] G. Sivan: *op. cit.*, 1973, pp. 1-20f.

Moreover, the English practice of giving sanctuary to political refugees – supposedly originated in the Biblical provision that a runaway slave was not to be delivered up to his master. Deuteronomy 23:16-17 *cf.* Exodus 21:14 & First Kings 1:50-53. Indeed, the English jury's 'twelve good men and true' were linked with the Biblical fondness for the figure twelve.

The Hebrew Law of the Bible thus had much influence upon British Common Law. However, the legal system of Pagan Rome made but little impact on Britain. Sivan explains[76] that the legal concepts of Rome were never universally accepted. The influence of Roman Law upon England in particular, was only of minor significance.

Moreover: Roman Law had nothing to say about corporate organization for private purposes; negotiable instruments; or the modern concept of agency. Roman legal principles could not cope with the needs of the newly-emerging European nations – whether in regard to the law of torts; family law; or constitutional and international law.

Western Law's debt to Rome has been exaggerated greatly. On the other hand, the contribution of the Old Testament to other legal systems – and to the whole development of jurisprudence down the ages – has been underestimated.

However, it was not just the Old Testament which impacted upon British Common Law. As can readily be seen from the Dooms of King Ine, from the Code of King Alfred, and from the Laws of King Athelstan – so too did the New Testament. See Alfred on Matthew 5:17f & 7:12 and Acts 15:2-29 *etc*. Indeed, in thus combining the influence of both the Old and the New Testaments – British Common Law then had a healthier impact on the legal systems of the World than did Jewish Law (which by its own human additions and subtractions adulterates the Older and ignores the Newer Testament).

The entire Holy Bible, then, was in large measure at the root of British Common Law. As London University's Professor of Legal History S.F.C. Milsom observes in his 1969 book *Historical Foundations of the Common Law*,[77] the mediaeval Common Law writs came to be seen as basic – almost like the Ten Commandments of Biblical Christianity. For such were the data from which that law itself was derived.

Robert Calvin, Lord Chief Justice Coke, and the Common Law

Herbert Broom (M.A.), the renowned Trial Lawyer or Barrister, was also a Lecturer in Common Law. Broom refers to the celebrated Lord Chief Justice Sir Edward Coke's most famous Common Law case – that of Robert Calvin. Thus in his own famous work *Legal Maxims*, Broom writes[78] that "the *legum leges*" or 'the [quintessential] laws of [all] the laws' really "essential to the true understanding and

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[76] *Id.*
[77] S. Milsom: *Historical Foundations of the Common Law*, Butterworths, London, 1969, p. 25.
[78] H. Broom: *op. cit.*, p. 936.

proper application of the law – have been 'written with the finger of Almighty God upon the heart of man.' See Calvin's case."[79]

Even before this 1607 case anent the Scottish child Robert Calvin, King Henry VIII (of the House of Tudor) had sought to unify England and Wales in 1536 – and indeed with success. Less than six decades later, King James Stuart unsuccessfully tried to unify the Kingdom of Scotland with the United Kingdom of England and Wales. Indeed, Robert Calvin's was a 1607 test-case – brought soon after King James VI of Scotland (henceforth also James I of England) had sought to unify Scottish with English nationality.

Little Robert Calvin had been born in Scotland after the 1603 accession of the Scottish King James also to the throne of England. The issue therefore was whether the Scottish child Robert could be regarded legally also as an Englishman. Was Robert entitled to all of the rights of the English? Indeed, was Robert also subject to all of the duties imposed by the Laws of England?

The case came before Sir Edward Coke. He was the great seventeenth-century Lord Chief Justice of England – and probably by far the most eminent authority of all time on the subject of the Common Law.

To Coke, both then and always, Common Law is not what all legal systems have in common with one another – but what only certain legal systems have in common with Biblical Law. Coke certainly decided the principal issue in the affair of Robert Calvin. In addition, however, Coke's *obiter* comments in that case clearly contrast those good common legal systems adhering closely to the Law of God – with other systems less pure (and to that extent in the grip of Satan).

Citing Second Corinthians 6:15, Coke then challenged[80] the world with St. Paul's rhetorical question: "What concord hath Christ with Belial?" Coke obviously presupposed the answer: "None!" For he then further added: "If a Christian king should conquer a kingdom of an infidel..., there, *ipso facto*, the laws of the infidel are abrogated.... They be not only against Christianity; but against the Law of God and of Nature contained in the Decalogue!"[81]

To Sir Edward the Puritan, the Common Law of England was both before and above all autocratic and erring monarchs (such as any of the Stuarts).[82] In his famous *Institutes of the Laws of England*, Coke himself expressed his own deep regret[83] that the valuable but by-then-lost "**books and treatises** of the **Common Law** in...other kings' times – and specially in the [A.D. Pre-429 and Pre-Saxon] time of the **Ancient Britons** (an inestimable loss!) – are not to be found."

No doubt this was to some extent the result of the cold and damp British climate – and the difficulty of preserving written records there, in ancient times. The ongoing

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[79] 7 Rep. 126.
[80] 7 Rep. 5.
[81] Sir E. Coke: *1600-1659 English Law Reports*. 77 King's Bench VI (Edinburgh: Green, 1907 ed.), pp. 397.
[82] See Edmunds: *op. cit*., p. 109.
[83] E. Coke: *Institutes of the Laws of England*, Brooke, London, 1797 ed., Part II:1, Proeme, pp. ix f.

absence of adequate written records and copies thereof was also one of the results of the excellent legal training of the druids in Ancient Britain. For – according to the B.C. 58f Julius Caesar – as jurists those druids committed their case law to memory (and had no real need of making records).

Also, however, the lack of ancient juridical treatises on the Common Law in Ancient Britain seems to have been the result of the destruction of ancient precious manuscripts by the then-still-pagan Saxons – as the A.D. 530 Celto-Brythonic Christian historian Gildas[84] has implied. For even the hostile B.C. 58f Julius Caesar records that the Ancient Britons indeed had written documents, and that their forensic druids were highly literate. Also, some of their Ancient-Brythonic laws were nevertheless preserved – in copies of various Early-Welsh documents still extant.

Now Coke dedicated his *Institutes of the Laws of England*[85] to "God" and "Country." He sought to apply the Word of God – from the land of Ancient Israel, and *via* the Christian Celtic Britons – even to his own country of England. Indeed, explains Coke: "He that hath but the 'light of nature' (which Solomon calleth 'the candle' of Almighty God, Proverbs 20:27)...may easily discern."

That great Hebrew Lawyer, the apostle Paul, rightly observed in Romans 2:14-15 that whenever even Gentiles who do not have the Hebrew Law nevertheless **by nature** do the things contained in that Law – they demonstrate that the work of that Law has been written in their hearts. Here, Lord Chief Justice Sir Edward Coke observed: "It may be verified by these laws – that *lex est lux*. Proverbs 6:23 – 'the law itself is a light.' See Romans 2:14."

The 1771 *Encyclopaedia Britannica* on the Common Law at that time

The truth of these claims can be verified by consulting the very first edition of the *Encyclopaedia Britannica*. That was issued in 1771 – fully eighteen years **before** the French Revolution and its disastrous international impact upon the human intellect.

Five years before the American *Declaration of Independence*, the first *Britannica* gives a refreshing perspective on the Common Law. One could only wish it were still being reflected by the modern *Britannica* two centuries later!

States the 1771 first edition:[86] Common Law is that body of rules received as law in England, before any statute was enacted in parliament to alter the same. The first *Britannica* then proceeds to set out the 1771 Common Law position on marriage, crime, murder, suicide, the Law of Nature, Civil Law, the Law of Nations, Roman Law, and Canon Law.

It explains that "**marriage** is forbidden within certain degrees of blood by the Law of Moses, **Leviticus chapter 18**, which is made ours.... Teinds or tithes are that liquid proportion of our rents or goods which is due to churchmen for performing divine service.

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[84] Gildas: *Concerning the Ruin of Britain*, Cymmorodorion, London, 1988 ed., ch. 24.
[85] Coke's *Institutes*, Proeme to 3rd Part, p. ii: "Deo" & "Patriae."
[86] *Encyclopaedia Britannica*, Bell & Farquhar, Edinburgh, 1771, II pp. 241, 893 & 915f.

"The word **crime**...signifies such transgressions of law as are punishable by courts of justice.... Certain crimes are committed more immediately against God Himself; others, against the State.... The chief crime in the first class, cognisable by temporal courts, is **blasphemy** – under which may be included atheism. This crime consists in the denying or vilifying the Deity by speech or writing. All who curse God or any of the persons of the blessed **Trinity**, are to suffer death – even for a single act...if they persist in their denial. The denial of a providence, or of the authority of the Holy Scriptures, is punishable capitably for the third offence....

"**Murder** is the wilful taking away of a person's life, without a necessary cause. Our law makes no distinction betwixt premeditated and sudden homicide; both are punished capitally.... But the slaughter of night-thieves, house-breakers, assistants in masterful depredations, or rebels denounced for capital crimes – may be committed with impunity [**Exodus 22:2**].

"**Self-murder** is as highly criminal as the killing of our neighbour.... Open and manifest adulterers who continue incorrigible, notwithstanding the censures of the church, are punished capitally.... **Incest** is committed by persons who stand within the degrees of kindred forbidden in **Leviticus 18**, and is punished capitally....

"There is no explicit statute making rape or the ravishing of women capital. but it" – non-statutory capital punishment for rape – "is plainly supposed." *Cf.* Deuteronomy 22:25-27. "The ravisher is exempted from pain of death only in the case of the woman's subsequent...declaration that she went off with him of her own free-will." Exodus 22:16f.

This oldest edition of the *Britannica* also grounds[87] the Common Law in the Law of Nature. It explains: "The **Law of Nature** is that which God has prescribed to all men, by the internal dictate of reason.... It is discovered by a just consideration of the agreeableness or disagreeableness of human actions to the nature of man." Indeed, it "comprehends all the duties we owe either to the Supreme Being; to ourselves; or to our neighbour – [such] as reverence to God; self-defence; temperance; honour to our parents; benevolence to all; a strict adherence to our engagements; gratitude; *&c*.

"The **Law of nature**, where it either commands or forbids, is immutable and cannot be controlled by any human authority.... **The laws of nature** are sufficiently published by the suggestion of natural light." See *Westminster Confession* I:1[a]; I:6[o]; X:4[s]; XX:4[pq]; XXI:7[k]; and *Westminster Larger Catechism* QQ. 2 & 60[q] & 151.3[w] – citing *inter alia*: Exodus 20:8f; Psalm 19:1-3; Jeremiah 10:7; Romans 1:19f,26,32; 2:14f & First Corinthians 11:13-14.

After the great dispersion of mankind into different languages as a consequence of the destruction of the tower of Babel (Genesis chapter 11), it was inevitable that law would become more complex. Hence, first Civil or Municipal alias National Law (within each nation) and then the Law of Nations (as the precursor of International Law) would develop.

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[87] *Op. cit.* II pp. 882f.

Thus the 1771 *Encyclopaedia Britannica* states:[88] "**Civil or Municipal Law** is that which every sovereign kingdom or state has appropriated to itself.... The Municipal Law of Scotland, as of most other countries, consists partly of Statutory or Written Law, which has the express authority of the legislative power; partly of Customary or Unwritten Law, which derives force from its presumed or tacit consent."

Further:[89] "The **Law of Nations** is also the result of reason, and has God for its Author. But it supposes mankind formed into several bodies politic or states; and comprises all the duties which one state owes to another. These must of necessity be similar to the duties arising between individuals, since both are dictated by reason – so that what is the Law of Nature when applied to men considered simply as such, is indeed the Law of Nations when applied to kingdoms or states."

Under the impact of the Protestant Reformation, the Papal-Roman legal systems were reformed within Protestant lands. This was so even in Scotland – in spite of the Scots (unlike the English) previously having received the Roman Law and then superimposed it upon their ancient Iro-Scotic Common Law (at least until the time of the Protestant Reformation).

Explains the first (1771 Scottish) *Encyclopaedia Britannica*:[90] "Roman and Canon Laws, though they are not perhaps to be deemed proper parts of our Written Law, have undoubtedly had the greatest influence in Scotland" where Roman Law had enjoyed reception – though not in England (where that had never occurred). In Scotland, "a special Statute was necessary, upon the Reformation, to rescind such of their constitutions as were repugnant to Protestant doctrine. From that period, the Canon Law has been little respected."

The French Revolution of 1789: greatest dechristianizer since A.D. 600f

After the enduring threat to Christianity from the rise of Islam in the East and the Papacy in the West (effective A.D. 600 onward), the above Biblical views of the Protestant Reformation were all very widely accepted from A.D. 1517 onward. That remained the case, until well after the ungodly 1789 French Revolution.

With its slogan *ni Dieu et ni Maitre* (alias 'no God and no Master'), that Revolution has subsequently had a world-wide and an increasingly insidious impact upon our whole civilization. Only in the last decades, however, has its influence become a commanding one. Until our Second World War, Christian values – though even then somewhat in decline – were still very strong.

Thus, in the 1736 Virginian case of *Anderson* v. *Winston*, it was held that God's Moral Law was "eternally and universally binding upon mankind." Even after the 1789 French Revolution, in the 1840 Wisconsin case of *State* v. *District School Board of Edgerton*, Judge Lyon insisted: "The New Testament...reaffirms and emphasizes

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[88] *Op. cit.* II pp. 883.
[89] *Id.*
[90] *Op. cit.* II pp. 883.

the moral obligations laid down in the Ten Commandments." Indeed, in the 1859 Massachusetts case of *Commonwealth* v. *Cooke*, the teaching of the Decalogue was declared to be permitted also in the Public Schools.

Also the famous 1899 West Virginia case of *Moore* v. *Strickling* even cited with approval Judge John Forrest Dillon's 1894 *Commentary on the Laws and Jurisprudence of England and America*. There, Judge Dillon (1831-1914) had declared: "Not less wondrous than the revelation of the starry heavens (and much more important)...is the Moral Law.... This Moral Law holds its dominion by divine ordination over us all, from which escape or evasion is impossible. This Moral Law is the eternal and indestructible sense of justice and right, written by God on the living tablets of the human heart and revealed in His Holy Word."

Without the Decalogue, Moore's case then further argued (46 W.Va. at 515), human society disintegrates. "These Commandments which, like a collection of diamonds, bear testimony to their own intrinsic worth – in themselves appeal to us as coming from a superhuman or divine source; and no conscientious or reasonable man has yet been able to find a flaw in them. Absolutely flawless, negative in terms but positive in meaning, they easily stand at the head of our whole moral system; and no nation or people can long continue a happy existence, in open violation of them."

Just before World War I, Texas Judge Jenkins called the 'Golden Rule' of Matthew 7:12 the most perfect expression of the Moral Law. He added: "Before human statutes were written, before the [Mosaic] Law was given at Sinai, the Law of God had written upon the hearts of all men the injunction not to harm their fellow man." See: *Furst-Edwards & Co.* v. *St. Louis Southwestern R. Co.* (1912) 146 SW at 1024-28.

In 1914, America's *Washington Law Review* insisted that "this nation is a religious nation, a Christian people" (Barnard at 772). Indeed, in 1915, the *Harvard Law Review* (612) cited the Lutheran Reformer Melanchthon as authority for the proposition that the whole of Natural Law can be deduced from the Ten Commandments.

Even as late at 1916, it was argued that human law is the offspring of Divine Law. The municipal laws of nations were originally no other than the rules of being given us by God. See the Oklahoma case *Equitable Life Assurance Society* v. *Weightman*, 61 Okla. 106 & 160.

However, a very dramatic change has occurred since then (1916) – and especially since World War II. For today – under the dominant modern religion of Antichrist-ian 'Humanism' (*sic*) – the Bible has been banished from the U.S. Public Schools. Yet till then, also in America – even during the first half of our present century – the opposite practice (inherited from the previous centuries) had prevailed historically.

Even in that most secularized of the United States, Abraham Lincoln's Illinois, the singing of Christian hymns used to be permitted. See *People* v. *Board of Education* (1910). Also in the 1918 Iowa case of *Knowlton* v. *Baumhover*, Judge Weaver ordered that the Lord's Prayer might indeed be read.

In the 1921 California case of *Hardwick* v. *Fruitridge School District*, a regulation requiring dancing was struck down – as inapplicable to the children of such taxpayers

whose religious convictions were offended thereby. Indeed, in the 1943 case of *Board of Education* (*West Virginia*) v. *Barnette*, it was argued that the religious consciences of some parents rebel at the absence of any Bible-reading in the schools.

The plain truth, then, is this. Jacobinism (also through Benthamism) has now spread from 1789 Revolutionary France even into the Anglo-Saxon countries. The atheistic religion of the humanistic French Revolution has, with increasing aggressiveness and effectiveness, in this century been seeking to supplant Christianity as the chief religion of Western Civilization. As the 1921 *Californian Law Review* noted, a then-recent State Law forbidding Bible-reading in Public Schools – "harks back to a conception of religious liberty that is Jacobinical rather than American."

Christianity and Common Law undergird the United States of America

In the history of the English-speaking world, the impact of Biblical Law – both in the Old and the New Testaments – can scarcely be exaggerated. On the basis of the Law of Nature as understood by Christian British Common Law – itself derived from the written Word of God – America declared herself independent from England in 1776.

That *Declaration of Independence* recited that "all men are endowed by their Creator with certain unalienable rights." It appealed "to the Supreme Judge of the World for the rectitude" of its intentions. Indeed, it proceeded "with a firm reliance on the protection of Divine Providence."[91]

Thirteen years later, the thirteen United States of America – each still upholding the Common Law – adopted their confederated ***Constitution***. It provides[92] that "the trial of all crimes except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed."

The completion of the construction of the *U.S. Constitution* – also according to its own internal testimony at its very end[93] – was "done in Convention by the unanimous consent of the States present, the 17th day of September in the year **of our Lord** 1787." That was two years **before** the infamous French Revolution would seek to revolutionize law by abolishing Christianity (and even the **Christian calendar**).

Four years later, in 1791 – alias two years **after** the infamous French Revolution – the U.S. *Bill of Rights* was enacted. This proves that the then-recent events in France still had no effect on the new American Republic. For that *Bill of Rights* wisely specified[94] *inter alia* that "in suits at **Common Law**...the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any Court of the United States than according to **the rules of the Common Law**."

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[91] R.A. Billington & B.J. Loewenberg & S.H. Brockunier: *The Making of American Democracy*, Rinehart & Co., New York, 1951, pp. 83-85.
[92] Art. III Sect. 2.
[93] Art. VII.
[94] 7th Amendment.

Now America's *Declaration of Independence* from England, was made in 1776 – still some thirteen years **before** the infamous French Revolution of 1789. Prior thereto, Christianity had ruled Western legal systems for almost 1500 years – ever since the nominal christianization of the Roman Empire by the British Prince Constantine the Great in A.D. 313f.

Indeed, even by the *Treaty of Paris* in 1783, Britain and the United States made their peace with one another in the following terms: "**In the name of the most Holy and undivided Trinity**! It having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George III by the grace of God...and of the United States of America, to forget all past misunderstandings.... Done at Paris this 3rd day of September, **in the year of our Lord** 1783. (Sgd.) D. Hartley. John Adams. B. Franklin. John Jay."[95]

Thus, also after the 1776f War of Independence, both Great Britain and the United States of America were **even officially** still Christian countries. This is why they then concluded peace with one another "in the Name of the most Holy and undivided Trinity" – during 1783. Indeed, that was a direct result of their both being undergirded by Christianity and the Common Law.

The ungodly French Revolution of 1789 and its awful aftermath

Six years later, however, the French Revolution challenged the Triune God of Christianity – Father, Son and Holy Spirit . It did so with its own apostate though epoch-making motto: *ni Dieu et ni Maitre*[96] (alias 'neither God nor Master'). Instead of worshipping the Triune God ***Jehovah Elohim***, the Paris Revolution then revered an enthroned prostitute – as a representation of the god(dess) of reason. *Ratio et vox populi est vox Dei* – 'reason and the voice of the people is the voice of God'!

Here we again meet with resuscitated echoes of the *logos/nous* or World-soul of Pagan Greek Stoicism, and also of the statist Imperial Pagan Roman Law's *nec Deus sed Caesar est Dominus* (alias 'not God but Caesar is Lord'). Indeed, in the French Revolution we find no god but the goddess of reason – incarnated as a state-enthroned prostitute!

In 1789, the atheistic principles of the French Revolution overthrew the once-Christian nation of France – and then swiftly swept through Europe. Separated by the English Channel, Christian England and her Commonwealth blessedly remained shielded from this European Atheism – for at least another century.

Further separated by the Atlantic Ocean, the great American Republic long remained isolated from this vicious virus. So too did certain other countries, such as the then-Christian South Africa and the various States of Australia – until just recent times.

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[95] R.B. Morris: *The Peacemakers: The Great Powers & American Independence* (Harper & Row, New York, 1969), pp. 461 & 465.
[96] I.J.G.J.C. Nieuwenhuis: *Threat to the West*, Wever, Franeker, n.d. (1962), II p. 298 & IV p. 16.

Indeed, elsewhere too conservative voices were still heard – even in the field of International Law . Thus in 1840 the great Berlin Law Professor Friedrich Karl von Savigny declared[97] that a community of judicial conscience can be formed among nations especially by a community of religious convictions. Such is the basis of the law of nations which exists principally among European Christian States.

Indeed, Sir Thomas Barclay (LL.B. & Ph.D.) – Vice-President of the International Law Association and author of the work *International Law and Practice,* linked that latter discipline – to Christianity. That he did, even as late as 1929.

Soon after the admission of the first Non-Christian powers (Japan and Turkey) to the international legal community, Sir Thomas wrote an article on *Public International Law*. There Dr. Barclay declared[98] that till quite recently, it was usual to speak of the common standard of right conduct prevailing throughout the Christian world – a standard to which responsible statesmen tried to adjust their direction of the affairs of State.

Now, however – the shrinking world has become polluted with Agnosticism, and increasingly also by the AIDS-like Atheism of the French Revolution. This is seen especially when examining perhaps its two most virulent humanistic daughters – the 1917 Russian Revolution (together with its ongoing aftermath), and the Socialist International (together with its affiliated Labor Parties throughout the World).

Modern humanism has sought to replace the West's historic faith in the Decalogue of the Triune God (of Father-Son-Spirit) with an Anti-Christ-ian commitment to an idolatrous humanistic trinity. As Emory University Law Professor Dr. Harold J. Berman has stated in his profound book *Law and Revolution*[99] – Individualism-Rationalism-Materialism is now the Triune Deity of Democracy. The fact that Dr. Berman had not been a Trinitarian but rather a unitarian Judaist before becoming a Christian, makes this statement of his all the more telling.

But we cannot rely upon Democracy, nor upon Humanism. Neither can we rely on either Individualism, Materialism or Rationalism. Nor can we build on **Pagan Greek** and **Pagan Roman** legal concepts of the Law of Nature, the Law of Nations, or even of the Common Law.

As Christians, we first must go to Holy Scripture alone. It is there first, that we must search out the roots of all these concepts. Accordingly, we must ask with British Common Law jurists like Broom and Coke as well as with that great Hebrew lawyer Paul of Tarsus: 'What do the Scriptures say?' Romans 4:3 *cf.* 2:14f.

Indeed, there is no other proper alternative to doing this. Apart from the first chapters now found in the Book of Genesis, before B.C. 3000 our extant sources of human history are only unwritten artifacts. Even before B.C. 2000, there are precious little written remains of man's achievements (and indeed largely only in the 'Fertile Crescent' whence Abraham hailed).

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[97] F.K. von Savigny: *System of Modern Roman Law*, uncompleted, 1840, I p. 11.
[98] T. Barclay: art. on *Public International Law* (in *Enc. Brit.*, 14th ed., 1929, 12:xvi & 527).
[99] H.J. Berman: *Law and Revolution: The Formation of the Western Legal Tradition*, Harvard Univ. Press, Cambridge Mass., 1983, p. 32.

Indian writings stretch back only to about B.C. 1000. **Reliable** Chinese and Greek writings barely go back to B.C. 500; reliable Roman writings, not even that far. Only the writings of Moses and the Mosaic Law give us an adequate picture of ancient society – taking us back almost to B.C. 1500. For all Pre-Mosaic writings (apart from those now preserved in the early chapters of what is now the Book of Genesis) are, at the most, highly fragmentary.

Legally, it is only by the grace of God that the Pre-Mosaic tradition of Shem was preserved among Japhethites such as the Gomeric Celts. It is further only through God's grace that both this and also the Mosaic and the Christian traditions were preserved first among the Iro-Scotic Gaels and the Brythonic Cymri, and then among the later Anglo-Saxons.

Philadelphia Bar Member David Werner Amran (M.A. & LL.B.) has well said[100] that he who believes the Bible was literally inspired by God, reads and examines it by the aid of canons of criticism differing from those applied to other documentary remains of antiquity. In the words of the great Law Professor Sir Henry Sumner Maine – if by any means we can determine the early forms of juridical conceptions, they will be invaluable to us. For these rudimentary ideas are to the jurist what the primary crusts of the earth are to the geologist. They contain, potentially, all the forms in which law has subsequently exhibited itself.

Without Holy Scripture, then, all ancient historiography is quite impossible. See F.N. Lee: *What Really Happened? The Severe Limitations of Most Histories*.[101] So too is any firm theory of law – and *a fortiori*, any foundation in which even Common Law could root.

What, then, of the future? Dr. N. Micklem makes a profound statement in his contemporary book *Law and the Laws*. There he declares[102] that we cannot reject the religion of the Bible, and permanently retain our law and justice.

Also now, as previously, the issue is still Anglo-British Christian Common Law – *versus* Romish internationalism, U.N. imperialism, and the 'European Community' recently resurrected by the 1948 Treaty of Rome. What is needed today – on howsoever small a scale, initially – is a vigorous re-assertion and expansion of Biblical Religion, and of the Common Law it produced.

Nowhere is this more obvious, than in the field of **individual property rights**. Whether such are focussed on one's property rights to sexual intercourse with one's spouse, or on one's property rights to one's real estate or to one's movables – such property rights are always assailable, unless firmly grounded in the individual properties of Each Person within the Triune God *vis-a-vis* the Other Two (as revealed in the Holy Bible). In the rest of this chapter, we will now demonstrate that this is so.

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[100] D.W. Amran: *Leading Cases in the Bible*, Greenstone, Philadelphia, 1905, p. i.
[101] F.N. Lee: *What Really Happened? The Severe Limitations of Most Histories*. In *Journey*, Lynchburg, Va., Feb. 1988.
[102] N. Micklem: *Law and the Laws*, p. 114; as cited in A.L. Goodhart's *English Law and the Moral Law* (London: Stevens & Sons, 1953, p. 32 n. 47).

The enduring nature and unavoidability of private property rights

Even from the very beginning of the World to quite the end of human history – it must be understood that also private property is just as sacrosanct as are human life and limb and liberty and the pursuit of happiness. Indeed, the true people of God have always advocated 'private property' – and have never opted for its abolition and replacement by a so-called 'community of property.'

Very frankly, it could almost be said that all legal rights are in some sense also property rights. Yet no rights are more assailed by infidels today, than precisely property rights. To defend one's right to hold property privately, is to assert one's own individuality and to discriminate against all others.

Indeed, to discriminate especially against thieves and other indiscriminate individuals – and also against socialism's thieving 'Robber State' – is the very essence of private property. For that very reason, we now proceed to defend especially this right – by giving an extensive account of its development and inviolability.

First, Each Person of the Triune God has always possessed a 'property' right which is also a personal right. Whether it is the property of Fatherhood or of Sonship or of Spirithood – it is also a personal right, and one which the Other Two Divine Persons do not (and indeed cannot) possess. John 17:1-5 *cf.* First Corinthians 2:10.

Second, the fruit of the tree of the knowledge of good and evil, was God's own 'private property' – over against the entire human race. Genesis 2:17f *cf.* 3:11f.

Third, wives – over against all other women (and men) – have always had property rights over the sexual use of the bodies of their own 'hus-bands' (*alias* 'house-bound' bondsmen). So too husbands, in respect of the sexual use of the bodies of their wives. First Corinthians 7:4 *cf.* First Thessalonians 4:4-6.

Fourth, all unencumbered property-owners have the sole legal right to enjoy the ownership of that property. To protect that right, God Himself declares to all other persons: "you must not steal!" (Exodus 20:15) and "you must not covet!" (Exodus 20:17).

Fifth, individual creditors therefore have property rights – in their entitlement to the labour or earning abilities of their debtors alias their debt-slaves. Exodus 21:2-6 *cf.* Deuteronomy 24:10f. So too do individual families – over against all other individual families. Genesis 2:24-25; First Corinthians 7:13-14; Ephesians 6:1-4; Colossians 3:18-21.

As John Marshall Law School Professor Palmer D. Edmunds rightly states in his famous book *Law and Civilization*,[103] the origin of the property concept was outlined (in 1765 A.D.) by Sir William Blackstone in his *Commentaries [on the Laws of England]*. He observed that, in the beginning of the World, as we are informed by Holy Writ, the Creator gave to man dominion over all the Earth.

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[103] *Op. cit.*, pp. i & 330f.

'Property rights' have been outstandingly recognized and protected as a basic segment of 'human rights.' Genesis 2:16-24f *cf.* Hosea 6:7f & Romans 2:14f. The Decalogue itself bears witness to this. Thus the Fourth Commandment makes reference to '**your** cattle.' Exodus 20:10. The Eighth Commandment adjures: 'you shall **not steal**!' Exodus 20:15. The Tenth Commandment enjoins: 'thou shalt not covet thy neighbour's **house**, [nor]...thy neighbour's **wife**, nor his **manservant**, nor his **maidservant**, nor his **ox**, nor his **ass** – nor **anything** that is thy **neighbour's**!' Exodus 20:17. Thus Chicago Law Professor Edmunds.

Private property assailed by U.S. Communist Gus Hall and other Communalists

However, not so Gus Hall (alias Arvo Halberg). Repeatedly, he has been the Communist Party's candidate for the Presidency of the United States – with a constant lack of success. More importantly, at the funeral of Comrade Eugene Dennis, Hall/Halberg is reported[104] to have declared how he longs for the day when the blood of the children of Christians who sing about the precious blood of Jesus will itself be shed – when the communist revolutionaries cut their throats. Thus, according to the communist Hall/Halberg, even blood is neither private property nor precious.

On April 10th 1963, John XXIII – the so-called "Workers' Pope" – issued his important encyclical *Peace on Earth*. There, he pleaded for an open dialogue even with communists. Gus Hall/Halberg then promptly called this papal encyclical the work of a great pope. Gus also added that "Marxists have shown their remarkable willingness to go along with Pope John's giant step forward."[105]

Thus arose the great dialogue between Communism and Catholicism. Its tendency was and is to promote the increasing abandonment of private property – in favour of a transition to some or other form of common ownership.

Even in the above 1964 statement, Hall/Halberg and other Communists were already declaring that "in this dialogue some have cited Scripture as the basis of our co-operation." Indeed, those "some" include not just so-called 'Christian Socialists' (*sic*) – but also even Communists themselves.

Especially have they cited the following passage of Scripture: "All who became believers, were together; and possessed all things in common. And they sold their properties and possessions, and divided the proceeds among all, according to the needs of each one. And day by day, they persevered with one accord in the temple. And they broke bread from house to house. And they enjoyed their food with gladness and singleness of heart." Acts 2:44-45.

Communists have perverted the above passage of the Holy Bible – to try and justify the Marxist ideal of 'community of property.' Even in A.D. 1999-2000, the Premier of one of the regional governments within the new South Africa is reported to

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[104] F.N. Lee: *Christian Private Property vs. Socialistic Common Property*, I p. 1, in *Christian Economics* No. 37, Foundation for the Advancement of Christian Studies, Engadine N.S.W., April 1990.
[105] *Political Affairs*, June 1964.

have said that on the above basis Christians should be Communists. Also some Catholics, and others too, have misused this passage – to try to support a monastic 'community of goods.'

For many Romanists have agreed with the Semi-Aristotelian Thomas Aquinas – himself a very influential mediaeval scholar – that Adam and Eve practised 'community of property' before the fall. Such is still their ideal today – especially in monasteries.

Per contra, however, Anglo-American Common Law. See the judgment of Chief Justice Gibson, in the 1836 Pennsylvania case of *Schriber* v. *Rapp*. See too Judge Ladd's opinion, in the 1906 Iowa case of *State* v. *Amana Society*. The 'Amana Society' consisted of primitive communists who practised common ownership of all their land and industries.

Indeed, together with advocating communal property before the fall and also in Acts 2:44f – as well as in her own monasteries – Rome has often frowned even upon the multiplication of money by way of interest. Quite contrary to the "multiplication" of resources implicitly commanded in Genesis 1:26 to 2:15, Rome has here instead followed the stagnating views of the pagan philosopher Aristotle.

He taught that "money is naturally barren.... To make it 'breed' is preposterous, and a perversion of the end of its institution." Thus cited by Special Justice Cravens, in the 1849 Texas case of *Hill* v. *George*.

However, against this Romanistic position, see the great Lutheran jurist Professor Dr. Samuel Pufendorf's *Law of Nature* (V:7:8) – and Barbeyrac's notes thereupon. Far more importantly – see too especially the views of the Ultimate Lord Chief Justice, Jesus Christ, in Matthew 25:15f.

Yet even modern Anabaptists – such as Ronald Sider – have espoused strange views about the use of property. Indeed, still stronger sentiments have been expressed in this regard – by the so-called 'theology of revolution.'

In recent years, the dialogue between Communism and Catholicism has increased dramatically – especially in Latin America and South-East Asia. Significantly, Gus Hall further wrote[106] in 1966: "The dialogue is underway – meaningfully, and ecumenically."

Too, in 1968, the Roman Catholic scholar Girardo declared (in his book *Marxism and Christianity*) that socialism was not being revolutionary enough. The "**annunciation**" of Christ's incarnation (compare Luke 1:26f), opined Girardo, requires the **denunciation** by Christians of all capitalists.

Worse yet. Allegedly "Protestant" Bishop Philip Potter – sometime General Secretary of the World[ly] Council of Churches – subsequently indicated that "**resurrection** means **insurrection**."

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[106] *Ib.*, July 1966.

Clearly, Biblical Christianity is very relevant to the legal issues raised by the above-mentioned heresies. What then should true Bible-believing Christians affirm about these matters? "What does Scripture say?" Romans 4:3.

God's private property *vis-a-vis* the property of human beings

Holy Scripture anchors private property in the Triune God Himself – before the foundation of the world. In Him, the propriety of private property is immediately apparent. For the Father, the Son, and the Spirit have Each – from all eternity past – always possessed some 'private property' which the Other Two of Them never have and never will and never could possess. Malachi 3:6; Romans 11:29-36; James 1:17.

Only the Father possesses paternity. Hebrews 1:5-8. Only the Son possesses filiation. John 1:14-18. And only the Spirit possesses procession. John 15:26.

Paternity is the private property of the Father; filiation is the private property of the Son; and procession is the private property of the Spirit – **alone**. Each of those Three Persons' private property is intimately connected to His own individual personality – which in turn is quite distinct from that of Each of the Other Two Persons. Luke 3:21-22.

As the great modern Reformed theologian Rev. Prof. Dr. Willem Geesink rightly remarks: "Property rights root in eternity, and precede all man-made laws."[107] Hence, man should never steal the forbidden fruit. Genesis 2:16f & 3:3-11. Nor should he steal the tithe he has always owed to the Lord. Genesis 4:3-4; 14:20f; 28:22; Malachi 2:14-16; 3:8-10.

Adam's private property *vis-a-vis* that of other created persons

It is true that man owns nothing at all – over against God. Psalm 50:9-11. Yet man indeed owns many things – over against the angels and other creatures. Moreover, man even owns things over against other men. For God gives what He wishes to some men – while withholding what He wishes from others. Matthew 20:15 & Romans 9:15-21.

Indeed, all men (as images of the Triune God) have different personalities from one another. Genesis 2:18-23 & 3:20. Here, taken all together, men to this extent resemble the various Persons of the Triune God Himself (within the Trinity). Genesis 1:26-27; 5:1f; 9:6.

Now God's Trinity is undergirded by the private property possessed by Each of the several Divine Persons – in distinction from that possessed by the Others. Thus compare: Genesis 1:1-3; 1:26; John 1:1-18; 17:1-5; Hebrews 9:14; Matthew 28:19. Yet all men are enjoined to image the Triune God. Hence each human personality – which is private property – is strengthened by his or her private ownership of his or her property. Genesis 1:26; 2:24; 4:4; First Corinthians 7:4f; Revelation 2:17.

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[107] W. Geesink: *Concerning the Lord's Ordinances*, Kok, Kampen, 1908, IV p. 298.

This is what has happened. God has entered into **contract** (or **covenant**) with the entire family of man. Genesis 1:26-28 & 24:2-9 *cf.* Hosea 6:7f. Likewise, under the all-seeing eye of God – men too, as God's images, contract or covenant with one another. First Kings 5:2-18; Song 8:6; Malachi 2:14.

Thus, the Law of Contract is quite fundamental to human society. See Parsons on *Contracts* (I:3). Such contracts or covenants are usually concluded before witnesses. Genesis 1:26 to 2:3 *cf.* 23:3-20. They often involve rewards – and penalties. Genesis 2:9-17 & 3:15-24 *cf.* Luke 16:1-9 & 19:11-26. Indeed, they are also often reduced to writing. Genesis 5:1f; Second Chronicles 2:3-11f; Jeremiah 32:9-44.

So man indeed owns many things – over against his fellow man. Matthew 20:15. For all men (as images of the Triune God) have different personalities from one another. Genesis 2:18-23 & 3:20. Here, taken all together, men resemble the various Persons of the Triune God Himself (within the Trinity). Genesis 1:26f; 5:1f; 9:6.

Each human personality is strengthened by his or her private ownership of property. Genesis 1:26; 2:24; 4:4; First Corinthians 7:4f. For God's Trinity too is undergirded by the private property possessed by Each of the several Divine Persons – in distinction from that possessed by the Others. Compare: Genesis 1:1-3; 1:26; John 1:1-18; 17:1-5; Hebrews 9:14; Matthew 28:19.

Now it is very important to remember that God gave 'private property dominion' to Adam as an individual, over against Satan and his demons – even before the creation of Eve. Genesis 1:26-27; 2:15; 3:1. Thus, even initially, God revealed to Adam that private property was sacrosanct. Genesis 2:17 & 3:3,11.

Internally, the Law of God – including the principles of the commandments 'you must not steal!' and 'you must not covet!' – were stamped on Adam's heart. Ecclesiastes 7:29 & Romans 2:14-15. This implies the pre-existence of covetable and/or stealable property already belonging to another.

Externally, the Lord revealed to the unfallen Adam that he may not steal from God's tree of the knowledge of good and evil. Genesis 2:16-17 & 3:3-11. That tree did not belong to Adam – nor to any other man. For it was indeed God's very own private property.

Adam's private property *vis-a-vis* Eve's and *vice-versa* before their fall

Adam was the first human being of our race that God ever created. Luke 3:38. From him, God then created a second human person as a different human being – to be a companion for Adam, suitable or "meet for him." Genesis 2:18. As in the case of the Persons within the Triune God Himself – so too with His image man, there was to be no amalgamation but instead a **con-federation** of persons. Genesis 2:24 *cf.* Malachi 2:14-15. Indeed, later still, there was to be a further **con-federation** – the first human family, with many members.

Significantly, all could – and some did – move out and establish yet more human con-federations. Genesis 2:24; 4:12; 5:1-4; 14:13f. Indeed, as with mankind – so too

with human nationalities *etc*. There also, one finds precisely a oneness and a manyness (First Corinthians 12:12f) – just as there is within the Holy Trinity, Whose image men were and are (Genesis 1:26-28).

Both before and after the creation of Eve (and 'over against' or opposite her), Adam possessed his own personality. He also possessed his own non-female and non-androgynous but specifically male personality and sexuality. Indeed, he also right then already possessed even his own name – **Adam** (or 'earthy one').

God then created woman 'over against' Adam or "opposite him" – *k^{e}negdo*. We need to consider this Hebrew phrase in Genesis 2:18. *K^{e}negdo*, or 'over against him' (Adam), Eve in turn possessed her own non-male (and indeed specifically female) personality and sexuality. That was so, even before – and certainly ever since – the fall. Indeed, she was even given a **different name** than Adam: **Eve**, alias '[mother of] all living.'

Furthermore, both before and after the fall – even 'over against' Eve – Adam doubtless possessed his very own agricultural tools (*cf*. Gen. 2:15). And 'over against' Adam, Eve doubtless possessed her very own domestic utensils. *Cf.* Genesis 16:1-2,5-6.

So, then – just like the Triune God, also man His image has always possessed his own private property. Such private properties have always been held by Each Divine Person – and maintained not just in harmony with but especially in distinction from the different personal properties of the Other Two Divine Persons. Genesis 1:26-27; John 17:5,24; 1:14,18. *Cf.* too John 1:1's Greek phrase *pros ton Theon* alias "with God" – meaning that God the Son has always existed "in distinction from" or "over against" or "opposite" God the Father.

No different was the situation with God's images, Adam and Eve, both before and after their fall. For they too, ever since their creation, existed "over against" or distinct from (yet in harmony with) one another.

It is true that, after the creation of Eve, Adam entered into a community of marriage with her. This too had property ramifications. Yet he entered into this community with **one** woman only – with "**his** rib" and with nobody else's, as it were: with the "bone of **my** bone, and flesh of **my** flesh." Consequently, the **two** of them then possessed their private marriage property (including the sexual use of one another's bodies) – in distinction from and "over against" that of **all** other creatures. Such latter would include the good angels, the devil, his demons, the animals, and all (later) human persons. Genesis 2:21f; Malachi 2:14f; Matthew 19:4f; and First Corinthians 7:2f & 11:3-15.

Indeed, each of Adam's descendants would have done the same – if only the fall had never occurred. For their marriage property would then always have been limited to just one man and one woman alone – even over against their own parents and their own descendants. *Cf.* Genesis 2:24.

So, the influential view of the Romish theologian Thomas Aquinas – the view that there was no private property but only common ownership before the human fall – is unbiblical. Indeed, the pre-fall life of Adam and Eve was anything but communistic

(and also anything but monastic). Genesis 1:26-28 & 2:24. For it was **not** the **abandonment** of **common** property which **caused** the **fall** – but the **theft** of **private** property that did so. Genesis 2:17 & 3:1-6.

The need for private property intensified after man's fall

Shortly after the fall, we are specifically told that Abel brought "**his** offering" of "the firstlings of **his** flock" to the Lord. Genesis 4:4. This was Abel's offering, from Abel's flock, which Abel owned – in distinction from Cain's offering of the fruit of the ground which Abel did not own but which Cain himself had cultivated. Genesis 4:3-5.

Obviously, the pre-fall dominion charter of Genesis 1:26 continues to operate even after the fall. Indeed, it still presupposes the continuation of private property among men – also in our fallen world.

Now precisely Genesis 1:26-28's pre-fall dominion charter was again repeated after Noah's great flood. Genesis 9:1-7 *cf.* 11:1-9. This dominion charter presupposes that, as men separated from one another by multiplying and filling the earth, those who went and settled in the Old World would take possession of its land-mass – in clear distinction from those who went and settled in the New World. Genesis 1:26-28; 2:24; Acts 17:26. Too, those who settled in Europe would take possession of its land-mass – in clear distinction from those who settled in Asia and Africa. And those who settled in Australia, would possess its land-mass for themselves – in distinction from all others elsewhere.

Yet it is not just each nation which owns property over against other nations. In addition, also each family within each nation would own its peculiar property – over against other families even within the same nation. Thus, one's own private properties and fields are sacrosanct even over against one's neighbour's animals. Exodus 22:5. Indeed, one should withdraw even one's foot from a neighbour's house – lest he become weary of such an incipient nuisance. Proverbs 25:17.

Furthermore, even loan-pledges remain the personal property of the borrowee. For they had to be returned to him before each sunset, throughout the term of the loan. Here, it is especially food and clothing that were protected. Job 24:9f; Exodus 22:26; Deuteronomy 24:10-13.

Ultimately, even every person would thus take possession of his **own** piece of ground, his **own** vine, his **own** fig-tree – and even his **own** wife. Micah 4:4 *cf.* First Corinthians 7:2f & First Thessalonians 4:4f. For even Adam possessed his own personality and his own male gender and his own name (and his own farming tools). Indeed, even Eve possessed her own personality and her own female gender and her own name (and her own domestic utensils). Moreover, they did so in distinction from one another – even before the fall.

In fact, even before the fall – men were told, and would still have needed, to leave their fathers and mothers and to cleave to their wives – while trekking forth into all the world. In that way, even without sin, they would still have acquired and have held their **own** private property. This obviously continues, also after the development of

the family of nations – necessarily, within the various national boundaries. Genesis 1:26-28 & 2:24; Deuteronomy 32:8; Acts 17:26.

No wonder, then – after the fall – that God declares: "Cursed be he who removes his neighbour's landmark!" Deuteronomy 19:14; 27:17; Job 24:2; Proverbs 22:28; 23:10-11; Hosea 5:10.

The impact of man's fall upon his private property

It is true that the fall of man introduced misery into human society, including the miserable misuse of private property even by its owners . Thus, property can get neglected – or even wilfully destroyed. Luke 15:13 *cf.* Genesis chapter 41. Yet the fall also introduced (and was in fact caused by) theft – alias stealing another's private property. Indeed, once again, this presupposes the very propriety of the latter. Genesis 2:17 *cf.* Exodus 20:15-17.

Even after the fall of man, this pre-fall Genesis 1:26-28 mandate – with all its private property ramifications – was repeated to Noah. Genesis 9:1-7. So Noah then planted his own vineyard and dwelt in his own private tent. Genesis 9:20-21 *cf.* Micah 4:4.

Abraham too held land, in distinction from even his own nephew Lot. Indeed, Abraham became "very rich in cattle, in silver, and in gold." For that "father of believers" insisted that his wife Sarah's slave Hagar was not his – but rather **hers** – her very own private property. Genesis 13:2-14f & 16:1-6 & Romans 4:1f.

Abraham also acquired ownership of a cave, by buying it from its previous owners. Genesis chapter 23. Indeed, his grandson Jacob correctly maintained his own property rights over his flocks – even 'against' his own father-in-law. Genesis 30:31-43.

Private property rights and the Mosaic Law

Through Moses, God re-iterated to all mankind His Eighth and Tenth Commandments: "you shall not steal!" and "you shall not covet!" Exodus 20:15-17. "He who steals," enjoined Moses, "shall restore five oxen for an ox – and four sheep for a sheep." Exodus 22:1f.

"If a person sins...in taking a thing away...he shall restore what he took." Leviticus 6:2-5. "You shall not steal, neither...shall you defraud your neighbour nor rob him." Leviticus 19:11-13. "You shall not remove your neighbour's landmark." Deuteronomy 19:14.

Not just in the Pentateuch but right down throughout the Bible, private property is presupposed and protected. Jesus Himself clearly taught: "you must not steal!" Matthew 19:18; Mark 10:19; Luke 18:20. Indeed, Christ certainly seemed to approve of the penitent tax-collector Zacchaeus's offer to restore fourfold what he had dishonestly expropriated from taxpayers. Luke 19:8f.

Also after Calvary, Paul commanded even Christians that "a man should not steal!" Romans 2:21. He even repeated that "you must not steal!" Romans 13:9. Yet once more: "Let him who stole, steal no more!" Ephesians 4:28. Indeed, even ancient Egyptian and ancient Chinese Pagans agreed with this time-honored maxim.

God's Word clearly teaches that private property may also be inherited. God gave each tribe of Israel its very own inheritance – which same He did **not** give to the other Israelitic tribes. *Cf.* Numbers chapter 32, & Joshua chapters 13 to 22.

Naboth too did not hesitate to defend his own inherited private property. Indeed, he did so even against the absolutistic 'eminent domain' claims of the king himself (as the personification of the Israelitic state). First Kings chapter 21, *cf.* Psalm 16:5-6.

Now "men," observes David, "leave the rest of their substance to their babes." Psalm 17:14. Consequently, adds his son Solomon, "a good man leaves an inheritance to his children's children." For "house and riches are the inheritance from fathers." Proverbs 13:22 & 19:14.

Also Jeremiah complains when "our inheritance is turned [over] to strangers." Lamentations 5:2. For, as Paul points out: "If children, then heirs!" Romans 8:17. Indeed, "children ought not to lay up for the parents – but the parents [ought to save up] for the children." Second Corinthians 12:14. See too: Luke 15:12f,30f; Romans 9:4f; Galatians 3:15-18; Hebrews 9:16f.

Private property rights in the New Testament

Christ's advent brought about no change in all of this. He did, of course, warn against the misuse and idolization of private property. Yet He Himself also clearly stated: "Is it not lawful for Me to do what I want with My own goods?" Matthew 20:15.

Our Lord further gave many parables – defending private property to the hilt. Such were the parables: of the labourers hired at different times; of the two sons; of the farmers; of the talents; of the lost sheep; of the lost coin; and of the unrighteous manager. Matthew 20:1f; 21:28f; 25:14f; Luke 15:8f; 16:1f.

Hence, contracts of hire – while certainly entitling the labourer to receive his agreed pay in full – do not entitle him to share in the benefits (and duties) of ownership. Still less do they entitle him to go on strike – as distinct from terminating an agreement, after breach thereof by the other party.

The above are just some of the 'all things whatsoever' which Christ in the Great Commission taught His apostles to go and teach all nations. Such things are still to be taught today. Indeed, they are to be taught till the very end of world history. Matthew 28:19.

Even after the descent of God the Holy Spirit into the Church on Pentecost Sunday (Acts 2:1f), there was no change in any of this. To the contrary, that dramatic event far rather confirmed and indelibly etched the unchanging Law of God – deeper than

ever – into the believers' hearts. Hebrews 8:8-10 & 10:15-16 *cf.* Second Corinthians 3:3,18.

The so-called 'community of property' of the Early Christian Church right after Pentecost Sunday (Acts 2:44 to 6:2), was certainly not communistic. For it was not compulsory. Indeed, it simply involved: only the voluntary sale largely of real estate or immovable property – and the distribution of the resulting monies but not of the goods themselves.

Furthermore, those monies were not given to any who were not professing Christians. Nor were they given to all Christians indiscriminately. They were given only to those Christians who were truly needy. Indeed, all unsold goods – whether used by a Christian owner, or whether used by a non-owning Christian user, or whether used by both – remained the permanent property of the Christian owner alone. Acts 2:44-45 & 4:32 to 5:4.

Even after redistributing the absolute necessities of life to needy Christian widows in Jerusalem, Acts 6:1-2f, private property continued unabated in that city as well as in the surrounding countryside – and especially outside of Palestine. Simon the tanner; Mary the motherof Mark; Lydia the purple-seller; and the tentmakers Priscilla and Aquila – all continued to live in their own homes. Indeed, they also kept on conducting their own businesses or private enterprises. Acts 10:6; 12:12; 16:4,40; 18:23.

Paul visited Christian disciples in their own homes. Acts 20:20. Also he himself lived in his own hired house, and wrote to the various house-churches which met in privately-owned dwellings. Acts 28:30; 21:8,18; Romans 16:3-11.

Indeed, Paul also continued defending the ownership rights both of himself and of others. For he insisted that husbands and wives had property rights in the sexual use of one another's bodies. First Corinthians 7:2-4. He stressed that nobody should eat, if he refused to work. Second Thessalonians 3:10. He required the nearest blood relative and not the State to take care of impoverished widows. First Timothy 5:3-8. Failing provision by such relatives, not the State but voluntary associations like the Church would see to this. Acts 6:1-7.

Furthermore, even the Church was to care only for those Christian widows who were aged. For younger Christian widows, if they did not remarry (as Paul advised them to do), needed to get gainful employment instead. First Timothy 5:9-16.

Paul even valued his own cloak and his old parchments enough to request that they be brought to him. He also looked forward immensely to receiving his very own crown. Second Timothy 4:8-13. Indeed, he even insisted on the Christian Philemon's right to keep on using the unpaid labour of the latter's runaway slave Onesimus – whom Paul then sent right back to his master. Philemon 2-18.

Moreover, Paul even encouraged poor Christians by hard work to acquire their own wealth – and then to be generous with it. "Let him who used to steal, no longer steal. But rather let him labour – doing good with his hands, so that he may have something to distribute to the needy." Ephesians 4:28.

Social welfare work and private property rights

The New Testament Christian is not to depend on civic charity. He is, in holiness and honour, to gain possession of his own wife. He is to conduct his own business affairs, and to work with his own hands. He is to behave honestly toward outsiders – and himself to ask for, and to need, nothing from others. First Thessalonians 4:3,11f,15f *cf.* First Timothy 3:4,12.

A man should never eat the food of another – without being willing to pay for it. Second Thessalonians 3:8a. Instead, he himself is always to work hard and to earn money – so as never to be a burden to others. Second Thessalonians 3:8b. He is to work quietly, and thus to eat his own bread. Second Thessalonians 3:12.

Indeed, while being charitable to all – he is to censure all those who do not try to fend for themselves. Second Thessalonians 3:14; First Timothy 6:16-19; James 1:9-10; Ephesians 4:28; First John 3:17. For all must work – even the kings of the Earth, who bring their glory and honour into the Kingdom of God. Revelation 21:26.

Also after his death – the Christian knows he will go to his own dwelling-place in glory. John 14:2. There he will receive his own crown and his own white stone of victory – and his own new name written on it, "which nobody knows excepting he who receives it." Second Timothy 4:8 & Revelation 2:17.

As a very law-abiding or meek citizen of the Kingdom of Jesus Christ, the true Christian will inherit the Earth. Matthew 5:5. He will sit under his own vine and his own fig-tree. Micah 4:4. Indeed, also the saved kings of the various nations shall bring their own glory and honour – as well as that of their nations – into the New Jerusalem. See: Revelation 21:24-26.

Also thenceforth, Each Person of the unchangeable Triune God will everlastingly maintain the private properties of His own children – for ever. Each Divine Person of the Trinity will do this – just as He Himself maintains His Own personal attributes within the Godhead. He does so and will keep on doing so, by harmoniously distinguishing His Own personal properties from those of the Other Two Divine Persons – as well as in harmonious distinction from those of all of His various rational creatures. First Timothy 6:14f.

But didn't the Early Christians in Acts 2:44f own everything in common? No!

However, what about Acts 2:44f & 4:32f? For there we read that "all who believed...had all things common.... Neither did any of them say that anything he possessed was his own – but they had all things common."

We must now give a detailed account of the true facts about this temporary 'common use' of some goods – by many of those Christians who did not own those goods. What are the reasons for the distribution to many Christians of the monies obtained from the sale of goods belonging to others – in Jerusalem, around A.D. 33?

Right after the death and resurrection and ascension of Jesus around 33 A.D., the Christian **owners** of substantial property in Jerusalem **retained** their control and **ownership** of their **own goods**. Yet soon, for a short time of less than a year, they did indeed start sharing the **use** of **some** of their own possessions – with needy **fellow Christians** in Jerusalem. Acts 2:44-47 & 4:31-34f.

Now the Bible does not say that these early Christians shared the use of these resources with any of the many needy **un**-believers or **Non**-Christians in Jerusalem. For *cf.* too: Matthew 26:9-11; Mark 15:5-7; John 12:5-8. No! It was rather a case of some Christians helping their **fellow-believers**, and the latter **alone**. Perhaps many of the needy '**new believers**' so helped – were only **lodgers** in Jerusalem. Most of such lodgers would have been only temporarily visiting that city – during the Feast of Pentecost that year. Indeed, such would have been planning to return to their own dwellings elsewhere – immediately thereafter.

But now, on Pentecost Sunday and thereafter, they had just recently been converted to Christ – quite unexpectedly, during that Feast. Acts 2:1,5f,39f. So many of those temporary visitors, it would seem, suddenly decided to stay on in Jerusalem – for some time longer. Acts 2:14,44f. They did so, in order to learn more about Christianity – at least until the time of their all being "scattered abroad" after the subsequent stoning of Stephen. Acts 4:4,32f; 5:1-14; 6:1-7; 8:1-4,27-28.

It must be noted here that the Christian property-owners did not sell **all** of their *substantial* properties in Jerusalem. Nor did they sell or 'share' their own Jerusalem **residences**. Indeed, most of what the wealthier Christians then indeed put at the disposal of their needy Christian brethren in Jerusalem – was the **money** realized from **voluntary** sales of their own **excess** immovable properties in that city.

The chief emphasis here was not so much on Christian owners sharing the use of their property with other Christians. The stress was rather on their (wholly voluntary) wholesale liquidation or selling off of "their possessions and goods" such as surplus or infrequently-used "lands or houses" – in order to turn them into **liquid assets**. Acts 2:45; 4:34f; 5:4.

The money or "price" thus obtained, was then used to help benefit such of their Christian brethren in Jerusalem who were **needy** and lacked even the very necessities of life. As a result, no Jerusalem **believers** would remain needy. For those of them that did have needs – through the voluntary generosity of many of their better-to-do fellow Christians, soon "lacked" nothing they really needed. Acts 2:44-47; 4:31-32f; 5:2-3; Galatians 6:10; First Timothy 5:8.

The generosity of those Christian givers expressed itself in the sale of their surplus possessions, and the subsequent utilization of the monies received therefor – in order to assist needy Christians. Such sales, around 33 A.D., were chiefly in respect of **non-residential real estate** and other **substantial goods**. Acts 2:45; 4:34; 5:1; Matthew 19:21f,29; Mark 10:22,29; Luke 8:3.

This was indeed most providential. For, in the next few years, most of those Jerusalem goods would in any case have had to have been abandoned – when great persecution of the Jerusalem Church broke out and scattered most of her members abroad. Acts 8:1-4. Only the apostles and perhaps just a few other Christians then

remained behind, and continued to live on in Jerusalem. Acts 8:1,14; 11:1-2,27; 15:2f; 21:15-18f.

After that, the remnantal Jerusalem Church remained impoverished. That apparently continued to be the case – right down to the time of its total evacuation from that city in 66 A.D. Matthew 24:3-22; Acts 11:28f; 24:17; Romans 15:25f; First Corinthians 16:1-5; Second Corinthians 8:1,4,14; 9:1-7,12f; Galatians 2:1,9f.

The futility of hoarding redundant property in the doomed Jerusalem

This brings us to a brief consideration of the beginning of the three-and-a-half years' Roman siege of the doomed Jerusalem – from the middle of A.D. 66, till A.D. 70. Then, all remaining substantial property and almost all of the human beings left in the city, would be lost – during, and right after, that bellicose beleaguering.

This is why Jesus Himself had warned even that very same "generation" of Jerusalem Christians – to flee from that doomed city. He told them to flee even without a second set of clothes – just as soon as they saw the Roman armies approaching in the middle of A.D. 66. See: Acts 6:1-14; Matthew 23:22-28; 24:1-2; 24:15-34; First Thessalonians 2:14-16; Daniel 9:25-27; 11:30-31; 12:1,11. Note too that Luke – the very same writer of Acts 1:1f & 2:44f & 4:32f – also wrote Luke 1:1f & 17:21-37 & 21:10-34!

Hence, as regards the **Christians** then in **Jerusalem** (around A.D. 33f), "as many who were possessors of **lands** or **houses**, sold **them**." Acts 4:34f *cf.* 5:1-3. There is no evidence that they sold anything else. But even as regards the sale of lands and houses – **outside** the doomed city of Jerusalem, the early Christians **never** followed this practice.

Indeed, **outside** the doomed Jerusalem – each Christian then continued to own his real estate for himself. Acts 9:11,17,43; 10:2,6; 20:20; 21:8; Romans 16:5-23; First Corinthians 11:22; First Timothy 3:4f; 5:8,13f; Titus 2:3f; *etc*. Yet even **inside** the doomed Jerusalem – at least until all of the Jerusalem Christians abandoned it in A.D. 66 – it is clear that each Christian family continued to retain both the ownership and the possession of its own home there. This was the case, even after those Christians sold off their own extra houses and lands – and even after the distribution of the proceeds therefrom, among their needy brethren in Jerusalem.

Indeed, even after that – each individual Christian family in Jerusalem continued to live alone in its own family residence. That is to say, each Christian family continued to live separately – even in contradistinction to other Jerusalem Christians. For, even after we are told that some of the various "possessions and goods" were sold and imparted to all those who "had need" (Acts 2:45) – we are further told that Christians went on visiting and fellowshipping with one another "from [one] **house** to [another] **house**." Acts 2:46.

Indeed, "in **every house –** they did not cease to teach" in Jerusalem. Acts 5:42. Moreover, even their Anti-Christian persecutors soon thereafter entered "into **every**

house" of the **Christians** in Jerusalem – in order to haul the Christian men and women off to prison, around 34 A.D. Acts 8:1-3.

Christian social welfare through the charitable use of property in Jerusalem

Not so much the use of **goods** themselves, then, but rather the **money** realized from the sale of some of those goods – was given to needy Christians. It should also be noted that the recipients were not given what **they** felt they **wanted** – but only what the **Apostles** knew the recipients really **needed**.

This was decided not by the poorer Christians nor even by the very needy themselves – and still less by the Christian Church in Jerusalem through **democratic** vote. No! Only the **Apostles** decided who should receive aid, and who not. Acts 4:37; 5:2-6; 6:1-7. Moreover, the recipients were probably themselves required to share some of what they received – with certain other needy Christians too (such as especially their dependents).

Not all needy Christians in Jerusalem had the same needs. So the distribution of the monies by the first Deacons in Acts 6:1-7 was supervised and unequally disbursed – according to the decrees of the Apostles (and not according to the opinions of the givers nor according to the whims of the members of the congregation as a whole).

Hence, the sellers of the immovable properties "brought the prices of the things sold – and laid them [the prices] at the **Apostles**' feet. **Then** distribution was made to every man according to his need" – as assessed and as then distributed neither by every such man himself nor by the congregation but rather by the Apostles alone. Acts 4:34-35.

In fact, the recipients who could do so would very probably have been urged themselves to work for the benefit of the members of the congregation – out of gratitude for the monies thus received. Compare Second Thessalonians 3:10 with First Timothy 5:5,9,10,16,18b.

The whole action in the Early Church of Jerusalem, then, was a voluntary one. It was also an action not for the benefit of unbelievers in Jerusalem, and still less for all humanity – but for the benefit only of such local Christians in the doomed city of Jerusalem who had individual needs (generally of a pressing nature). The action was not ordered by any political body with monopolistic powers of enforcement against the contributors – as is the case today in both Western socialism and Chinese communism.

No Non-Christians were brought into this arrangement. Nor were any Christians dwelling **outside** the doomed Jerusalem. Nor were any non-needy Jerusalem Christians. Neither were any needy Non-Christians, even within the suffering Jerusalem. Acts 5:4 *cf.* 6:1f. For only **those** of Christ's "brethren" or suffering "sheep" who really **needed** food and drink and shelter – but none of the devil's "goats" – were here under consideration. Matthew 25:33-40.

There were perhaps two chief reasons for the wealthy Jerusalem Christians' selling off of their excess substantial property in Jerusalem. Acts chapters 2 through 6. First, they needed to care for the Church's own widows – immediately. Second, they knew that they themselves needed to get out of real estate before the crash and **destruction of Jerusalem** – which Christ Himself had warned them would hit that city perhaps soon and certainly within their very own lifetime. Matthew chapters 23 and 24.

Yet there were probably also other additional reasons why redundant immovable property was sold off by many of the Jerusalem Christians during that Acts 2 to 6 time-frame. Those reasons apparently involved caring for Christian visitors then in Jerusalem – and also involved providing for the Christian residents' need to flee that city in the future.

For apparently, many visitors to the Jerusalem Feast of Pentecost unexpectedly got converted while visiting and "dwelling" (alias temporarily **lodging**) in that city. It would seem they then suddenly decided to stay on – no doubt largely in order to receive further instruction in Christianity. This would then create an unforeseen crisis as regards their 'longer term' maintenance while there. Acts 2:1,5-11,40-47 *cf.* 8:27-31.

Then again, most Christians resident in Jerusalem would themselves sooner or later need to flee that city. They would need to do so not merely by A.D. 66 (*cf.* Matthew 24:15f). They would also need to do so more urgently yet, in a matter of just a few years or even months – and possibly within just forty-two months after Calvary. Compare perhaps Daniel 9:27 & 12:7-11 and Revelation 11:1-3 with Acts 2:23,44 & 6:14f & 7:51f and especially 8:1-4. In such circumstances, speedy liquidation of all redundant immovable property through its conversion into portable wealth, became wise and even urgent – as soon after Pentecost as possible. Acts 2:20,40,45.

Now those Christian arrangements in the doomed Jerusalem for the benefit of the needy faithful there – before they were scattered abroad shortly thereafter – were indeed greatly blessed by God. They were in no sense a failure. Yet possibly, some of the wealthier Christians in Jerusalem may perhaps indeed have 'over-given' themselves.

Precisely this could have played a role in the Jerusalem congregation's own later impoverishment. Second Corinthians 8:3,13f. For subsequently, the Jerusalem Christians then received much financial aid from the younger churches on the foreign mission field. Acts 11:27f; Romans 15:25f; First Corinthians 16:1f; Second Corinthians chapters 8 to 9.

As it was, however, these property arrangements of Acts chapters two through five – were apparently quite short-lived. They seem to have lasted for only a period of months, and to have ended by the time of the Acts eight "scattering" from Jerusalem of the vast majority of the members of the Christian Church in that place.

Probably it was this very "scattering" which ended the arrangement. Or perhaps it was very largely with a view to this scattering – that the God the Holy Spirit had instituted the arrangement in the first place. Acts 8:1-4.

Indeed, we are already told as early as Acts chapter six – that some of the Christian widows in Jerusalem were being neglected even by their fellow Christians. Consequently, permanent deacons had to be appointed to assist them to help themselves. Acts 6:1-7,14; Philippians 1:1; First Timothy 3:8-15; 5:3-16. Moreover, according to Acts chapter twelve, it is quite certain that Mark's mother never sold but instead went on owning and possessing her own large residence – even in the doomed Jerusalem. Acts 12:12 *cf.* 1:13f.

Christian property rights sustained everywhere in the World

Outside of the doomed city, there is no record whatsoever that Christians ever sold their goods and shared the resultant monies. To the contrary, the record clearly shows that the New Testament Christians elsewhere than in Jerusalem – continued to possess their own homes and their own private property. First Corinthians 11:22; Second Thessalonians 3:8-14; First Thessalonians 4:11f. The Communism of the Anabaptists was thus totally unbiblical.

As Calvin pointed out in his *Treatises Against the Anabaptists and the Libertines* (pp. 287-90f): "There were indeed a few giddy Anabaptists who spoke like this" and maintained that Acts chapters two through six instituted communism. However, "it is said **afterward** that Tabitha...gave great alms (Acts 9:36). Whence could she have made them [and only now **given** those goods] – if she [already previously] **had** given up all her goods?

"It is said that Saint Peter lodged at the home of Simon the tanner (Acts 10:6). This could not have been possible, if Simon had not [then still] had a house and a family. The same holds true for what is said next of Mary [Acts 12:12]. The same for Lydia (Acts 16:15).... The apostle...returned to **her** house....

"The Christians...did not practise a confused 'community of goods' among themselves.... It would be a superfluous matter...to collect all the specific examples in order to show that when the believers brought their goods together, they did not mix into a pile [like the Muensterite and Hutterite Anabaptists] what they had. But, each retaining what was his in his own hands – they distributed them [only] according as demand necessitated....

"Let us learn...to reject and hold in abomination this diabolical delusion of wanting to heap all goods into a pile in order to introduce not only a labyrinth into the World, but a terrible brigandage.... The doctrine in itself is wicked, and damnable." Thus Dr. John Calvin.

Of course, Christians should always offer help to their really needy fellow Christians – and help them to help **themselves**. Matthew 25:33-40; Galatians 2:10; 6:2; First Timothy 5:3-16; Titus 2:3-5; *etc*. Indeed, in the Name and for the sake of Jesus alone (Matthew 10:41f *cf.* Mark 9:41) – Christians should "do good unto all men; [but] especially to those who are of the household of faith" alias the Christian Church. Galatians 6:10. For if **any** Christian "does not provide for his own, and especially for those of his own household – he has denied the faith, and is **worse than an unbeliever**." First Timothy 5:8.

Unfortunately, there have been misguided attempts to re-interpret the Scriptures in these matters – attempts by both so-called 'Christian Socialists' (*sic*) as well as by Non-Christian Leftists. Such misguided persons have misunderstood Acts chapters two through five – as if those passages were indeed urging the liquidation of private property; or indeed implying a graduated income tax; or even an equal redistribution of wealth.

Nor have some of those misguided persons advocated the redistribution of wealth among Christians alone. Frequently, the call has gone out from such socialisticized 'Christians' (*sic!*) to redistribute Western wealth throughout the 'third world' – if not even among all men everywhere – indiscriminately. Unfortunately, however, such redistribution has sometimes been undertaken regardless of either the fidelity or the meritoriousness of the individual recipients.

That is certainly reprehensible. Indeed, the fanatical 'communistic' views of many of the sixteenth-century Anabaptists – some of whom practised not just 'community of property' but even 'community of wives' – is but a further misapplication of this unbiblical doctrine of "sharing" (*sic*).

The Anabaptist attack against Christian property rights

The ungodly Anabaptists are in no way at all to be confused with modern godly Baptist Christians. One such ungodly Anabaptist, was the 1524 Thomas Muenzer. Said Karl Marx's friend Friedrich Engels in his work *The Peasant War in Germany*:[108] "Just as Muenzer's religious philosophy approached atheism, so his political program approached communism.... By the 'Kingdom of God,' Muenzer understood a society in which there would be no class differences or private property."

Martin Luther, the great Protestant Reformer, promptly denounced Muenzer as "Satan stalking."[109] Understandably, even the 1561 *Belgic Confession of Faith* (professed by the Reformed Churches in Holland)[110] urges true Christians to "detest the Anabaptists and other seditious people...who reject...magistrates and would...introduce a **community of goods**."

Likewise the 1647 *Westminster Confession of Faith*. Drawn up by the British Puritans, it insists about true Christians:[111] "Nor doth their communion with one another, as saints, take away or infringe the title or prosperity which each man hath in his [own] goods and possessions."

Sadly, however, sixteenth-century Anabaptist views – though now somewhat modified in form – are still being propounded with increasing volume by modern thinkers like Ronald J. Sider. Compare his influential book *Rich Christians in an Age of Hunger* (1973) – ably refuted by David Chilton in the latter's own polemic: *Productive Christians in an Age of Guilt-Manipulators*.

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[108] F. Engels: *The Peasant War in Germany* (in Marx-Engels's *On Religion*, Foreign Languages Publishing House, Moscow, 1955, pp. 109-14).
[109] *Id.*
[110] Art. 36.
[111] *W.C.F.* 26:3.

Indeed, whenever Christians even unwittingly succumb to Anabaptist misinterpretations of Christian doctrine – they simply play into the hands of the enemy of souls. For his tools, including socialists and communists, pervert passages like Acts 2:44f and 4:32f. In this way, they promote their own devil-inspired dialogue and detente with Christians. For Satan – if it were possible – is bent on destroying Christianity and its doctrine of private property rights.

Following Karl Marx in his *Communist Manifesto*, socialists too have rejected the Bible's "flat tax" rate. Compare: Leviticus 27:32; Numbers 30:11-15; Matthew 17:27; Ephesians 6:9. Instead they have instituted the iniquitous graduated income tax – in order to overtax the thrifty, and then to redistribute a large part of this thriftily-acquired wealth also to the improvident.

The attack against private property ownership is immoral

God's Commandments – "you shall not steal!" and "you shall not covet!" – still apply. Ephesians 4:28; Romans 7:7f. Indeed, they do so not just to Christians, but also to the unregenerate; and not just to citizens, but also to governments and their burocracies.

Hence, socialism is theft. For it involves the pilfering of part (and sometimes even of the whole) of private property. Its declared purpose of redistributing some of the confiscated loot to the "have-nots" – after then deducting expenses to pay the middleman alias the socialistic burocrats – is quite incidental to its prior state-enforced theft from the 'haves."

Socialism is theft of valuable assets, stolen from individual owners. It is theft committed by burocratic bandits – who in effect have elevated themselves even above the Law of Almighty God Himself.

This demoralizes the diligent, and at length decapitalizes and impoverishes society as a whole. Indeed, it ultimately brings down upon society – the righteous judgment of the Lord Jehovah. *Cf.* Proverbs 14:34.

We repeat. The so-called 'common Christian ownership' of 'the early Church' – is a **fiction**. In the doomed Jerusalem alone, there was indeed some common use of one another's property (excluding the residential use of private homes). This was intended especially to help the large number of Christians converted from among the temporary visitors to Jerusalem, during the first Feast of Pentecost after Calvary – who then quite unexpectedly stayed on in Jerusalem, in order to learn more about their newly-discovered Christian faith.

There was then also much sale of 'doomed' immovable properties – and some distribution of the monies realized therefrom, to needy Jerusalem Christians. Interestingly, all this took place around A.D. 33 – just before the approximately A.D. 34f great persecution of the Jerusalem Church, and its scattering abroad.

These short-lasting emergency measures in the economic field, were providential. They were confined exclusively to the doomed Jerusalem – doomed to be destroyed by the Romans in A.D. 70. That doom was announced around A.D. 33 – and

subsequently. Yet, even in that doomed city of Jerusalem – this economic arrangement was only very temporary (*circa* 33-34 A.D.).

There is no indication whatsoever that the arrangement continued even in Jerusalem, after the approximately A.D. 34 expulsion of almost all of her Christians. Acts 8:1-4. Even from around A.D. 33 to 34, the arrangement was set up on a completely voluntary basis. As such, this arrangement was no model for the Church outside of Jerusalem – not even only for the first century of our Christian era. Still less should it ever be proposed as a model for the Church Universal today.

Now, as always, Christ's Kingdom is to be governed by normative Biblical directives – including those urging us to help our suffering fellow Christians. Such directives include: "Remember the poor!"; and "Bear one another's burdens!"; and "Do not forget to be hospitable to strangers!"; and "Remember those who are in bonds!" Galatians 2:10; 6:2; Hebrews 13:2f; Matthew 25:35-40.

This also means that individuals should be urged to possess their own private property, and to use it in expanding God's Kingdom. They should do so, by keeping especially God's Fourth and Eighth and Tenth Commandments – "Six days you must labour!"; and "You shall not steal!"; and "You shall not covet!"

Accordingly, an adequately-paid employee has no right whatsoever to complain to his employer against the same wages being paid to other employees for doing less work and labouring for a lesser number of hours in the same kind of job. To such a complaining yet adequately-paid employee, Jesus says: "Friend, I do you no wrong! Did you not agree with Me – to work for a day's wages? Take that which is yours; and be on your way! I want to give the same to this other worker.... Is it not lawful for Me to do what I want with My own? Is your eye evil, because I am good?" Matthew 20:13f.

Not just our goods but also our body-parts are private property. Also our 'eyes' are not subject to common ownership. They are instead our own private possession – for ever. For Job said (19:25f): "I know my Redeemer lives, and that He shall stand on the earth in the last day. And even after my skin worms destroy this body – yet in my flesh, I shall see God. I shall see Him for myself. And my eyes and no one else's shall behold Him."

Enjoined Joshua (24:15) – "Choose then today **whom** you would serve!" No man can ever serve two masters. Matthew 6:24. For there is no middle ground between socialist common property and communist lawlessness on the one hand – and Christian private property and Christian Common Law on the other.

Summary: the roots of law and legal rights

We summarize. Because human legislation is inevitable and unavoidable, all societies are best understood by studying their **laws**. God Himself is the Source of all legal rights, and it is He Who appointed laws for His human creatures. Thus even the rather maverick Law Professor John Austin. For even the Law of Nations is ultimately derived from the Law of Nature. Yet both have been written in the hearts of men by God Himself. Thus both the Romanist Suarez and the Protestant Selden.

The Mosaic Law is the World's oldest continuing **written** legislation. Thus Law Professor Sir Frederick Pollock. Yet the 'unwritten' Law of Nature has operated from the very beginning of the human race – where it was in fact then '**written**' on the hearts of our very first parents and all of their descendants. Thus Chicago's John Marshall Law School Professor Dr. Palmer D. Edmunds.

This can be seen from the institution of marriage – in mankind's 'natural' reprehension of bestiality and homosexuality and incest. It can also be seen from humanity's awareness of the Moral Law in general – and of the differences between men and women in particular. Thus John Calvin, and the *Westminster Confession of Faith*.

Looking at the relationship between law and civilization, regard was paid to the crucial role played not only by Judaism (thus Israeli Professor Gabriel Sivan) – but also especially by Christianity (thus Atlanta Law Professor Dr. Harold J. Berman). Notice was taken also of (now resurgent) Paganism, itself grounded even in Ancient Greek and Roman Law. For the latter is rooted in tribal provincialism – and was later influenced by an impersonal and merciless Stoicism. Thus Law Professor Sir Henry Maine.

On the other hand, Celto-English Common Law was seen to be of "immemorial" antiquity. Thus the famous Law Professor (and later Solicitor-General and Court of Common Pleas Judge) Sir William Blackstone. He traced it all the way back anciently "to the customs of the Britons and Germans as recorded by Caesar and Tacitus [B.C. 58 to A.D. 98]...and more especially to those of our own Saxon princes [A.D. 449f]." Indeed, he grounds both British Common Law and the Law of Nations in the revealed Moral Law alias the Law of Nature – and in nature's God, Who gave it to regulate man's place in the Universe which God Himself created and sustains.

Regard was next paid to the origin, character, and preservation of the Common Law. It derives, in the remotest antiquity, from the Law of Nature *via* the Law of Nations. Indeed, it is qualitatively superior to the later Roman-Romish Canon Law. Thus Dodd.

For geographical and historical reasons, it developed and flourished especially in the British Isles – where both the Older and the Newer Testaments had major impacts upon it. Indeed, also Primordial Law has come down – through the Celtic Common Law of the Ancient Britons and the Germanic Common Law of the Ancient Anglo-Saxons – especially to the Early English. Thus Lord Chief Justice Sir Edward Coke.

This is seen also from the A.D. 1771 first edition of the *Encyclopaedia Britannica*. Indeed, Christianity and Common Law undergird not only the Constitutional Monarchy of Great Britain and the Commonwealth of Australia – but even the 1776f *Declaration of Independence* and the 1787f *Constitution* and 1791 *Bill of Rights* of the United States of America. This must continue to remain the case – especially *vis-a-vis* the ungodly French Revolution of 1789 and its awful aftermath even today.

For, unlike pagan systems such as socialism, Common Law with its emphasis on private property builds upon the Ten Commandments. Thus Law Professor S.F.C. Milsom. That Decalogue roots precisely in the Older Testament of the Hebrews. Also

– even among Ancient Egyptian, Mesopotamian, Indian, Chinese and Hebrew Law – the Mosaic Law alone is historically reliable to as far back as at least B.C. 1450.

However, the Older Testament of the Hebrews and its Ten Commandments themselves root in the hearts of our first parents before the fall – as the images of God who mirrored the eternal private properties of the various Persons within the Triune Deity Himself. This is what makes private property both unavoidable and enduring. Like an anvil, it wears out the hammerings of all brands of Communalism – whether inflicted by the pagan Stoics of Ancient Greece; by the mediaevalist Thomas Aquinas; by the wildcat Anabaptist Thomas Muenzer; by the doctrinaire socialist Karl Marx; by the American Communist Party Leader Gus Hall/Halberg; or by the U.S. redistributionist Ronald Sider.

Yet not only have the Father and the Son and the Spirit always maintained the private property of Each, *vis-a-vis* One Another within the Trinity – from all eternity. Even after creation, the Triune God has continued to maintain His own private property *vis-a-vis* all of His creatures – and all human beings. Indeed, also all of His pre-human creatures have maintained their God-given properties – over against all other creatures. Thus, the unfallen Adam maintained his private property *vis-a-vis* that of all other creatures (and therefore also *vis-a-vis* Eve) – even before the fall.

For the everlasting Moral Law – as also expressed by the prohibitions 'you must not steal!' and 'you must not covet!' – was given even to our first parents in their state of integrity. Indeed, those prohibitions always presuppose the continuing existence of 'stealable' and/or 'covetable' property belonging to another. Consequently, any theory alleging that the Bible teaches a so-called 'common ownership of property' – whether before Adam's fall; or whether right after the birth of the Spirit-filled Christian Church on Pentecost Sunday; or whether both – is a dangerous myth.

The mediaeval communalist Thomas Aquinas is therefore quite wrong in his view that Adam and Eve held all things in common before their fall. For even then – each already had his or her own and different name, body, gender and possessions.

Similarly, God the Father and Son and Spirit – Whose image Adam and Eve (and their offspring) were – Each had His Own personal properties or attributes, distinct from those of the Other two Persons. Indeed, this was the situation not only from all eternity past . It will also remain so, unchangeably, unto all eternity future.

Within that eternal confederated Trinity – as within the later confederated human race – all properties of the individual constituents were, and are, preserved. Such would have continued, even without sin. Such still continue, even after sin. Such shall always keep on continuing, even in glory, beyond sin. **Communistic Anabaptism is thus an assault against the Triune God Himself**.

Also after the fall, private property continued – and even intensified. For Abel brought **his** offering to the Lord, from the firstlings of **his** flock. Abraham bought a cave, which thereby became his own. Even against his own father-in-law, Jacob maintained his own cattle. Indeed, private property rights were also ineradicably enshrined in the later Mosaic Law.

Coming to the New Testament, especially Christ's parables (of the talents and the labourers and the lost coin *etc*.) all fully defend private property rights – which the welfare work of the Apostolic Church also underlined. For even among the distressed Jerusalem Christians, household dwellings remained the private property of each owner. It was, of course, futile to hoard redundant property in the doomed Jerusalem. Yet the New Testament Church sustained private property rights not just there too, but also everywhere in the World.

Christ indeed warned against the misuse and idolization of private property. Yet He Himself also clearly stated: 'Is it not lawful for Me to do what I want – with My own?' Consequently, the modern Neo-Anabaptistic attack against Christian private property rights by the socialistic bandit state – is immoral. For also in the far future, each owner will still sit under his own fig tree. Indeed, even in glory – each will receive a white stone with a new name on it, which no one will know except he himself.

The whole Bible, then, both in the Old and in the New Testament, teaches and promotes legal rights to private property. Indeed, it does so – under the 'private eye' of Each of the Persons within the Triune God Himself. For He alone is the original Root of law and of all legal rights.

CH. 2. THE BIBLICAL DATA CONCERNING THE COMMON LAW

We now trace the Biblical data on the Common Law from Genesis through Revelation. First we define the concept of "righteousness." We note that God always has been **righteous**: from before all human history; from before the creation of the Universe; from all eternity.

Being right-eous means giving yourself and all other persons exactly what each deserves. Thus, even before the beginning of time – there always was (and still is) a perfect balance of right-eous interests among the several Persons of God the Father, God the Son, and God the Spirit. John 16:7f & 17:5,24.

Indeed, God Triune – and He alone – is the righteous Judge. Each Person within the Trinity has always given to Himself and to the other Persons within the Godhead and to the Trinity as such, exactly what They deserve.

The Bible's testimony anent the righteousness of God

Particularly the Old Testament is strong on God's unchangeable righteousness. Perhaps even before the time of Abraham – Bildad puts to Job (8:3) a rather ludicrous rhetorical question. He asks: "Does God pervert judgment; or does the Almighty pervert justice?" Obviously not!

Similarly, also Abraham 'reminds' Jehovah in his prayer anent the inhabitants of Sodom: "May it be far from You...to slay the righteous together with the wicked! Shall not the Judge of all the Earth do right?" Of course He will! Genesis 18:25.

Through Moses, God Himself infallibly declares: "I, the Lord your God, am a jealous [or fiery] God. I keep on visiting the iniquity [or unrighteousness] of the fathers upon the children – to the third and fourth generation of those that keep on hating Me." Exodus 20:5. Moses accordingly insists that Jehovah is "just and right"; is "without iniquity"; and that "all His ways are judgment." Deuteronomy 32:4.

Also the psalmist insists of God: "You are righteous, O Lord; and Your judgments are upright." Psalm 119:137. Indeed, "Your righteousness is an everlasting righteousness, and Your Law is the truth." Psalm 119:142. "The Lord is righteous in all His ways." Psalm 145:17.

There is, continues the psalmist, no unrighteousness in God. Psalm 92:15. For righteousness and judgment are the habitation of His throne. Psalm 97:2. His righteousness endures for ever. Psalms 111:3 & 112:3,9. Indeed, believers are to **testify** about this. Psalm 71:2,15,16,19,24.

Jeremiah (12:1) declares: "You are righteous, O Lord.... Let me talk with You about Your judgments!" Indeed, Jehovah always has been and always shall be "the Lord our righteousness." Jeremiah 23:6.

Also Daniel (9:14) confesses: "The Lord has watched the evil, and brought it upon us. For the Lord our God is righteous in all His works which He does." Similarly, Nehemiah (7:8) simply says to God: "You are righteous."

The New Testament too acknowledges this same divine righteousness. Jesus speaks of the divine glory or splendour of the righteous God – which He has always possessed even "before the world was." John 17:5,24. Also Paul declares: "A crown of righteousness has been laid aside for me – which the Lord, the righteous Judge, shall at that day give me and...all those who love His appearing." Second Timothy 4:8.

God, states the inspired John, "is righteous"; and "everyone who does righteousness, has been born of Him." First John 2:29. He adds: "Let nobody deceive you: he who keeps on doing righteousness, is righteous – just as also He [God] is righteous." First John 3:7. Indeed, in the last book of the Bible, John further rhetorically 'reminds' Jehovah: "You are righteous, O Lord, Who are and were and shall be. Therefore – You are judge!" Revelation 16:5.

Professor Berkhof's definitions of God's righteousness

To be right-eous, then, means to be biased toward God and His goodness – and to be opposed to the devil and his evil . Psalms 5:4-10; 7:6-11f; 139:21-24; Second Chronicles 19:2; Second Corinthians 6:14; Jude 15,23.

The Reformed theologian Rev. Professor Louis Berkhof rightly states[1] that the righteousness of God is closely related to the holiness of God. The fundamental idea of righteousness, is that of strict adherence to the law. Though there is no law above God, there is certainly a law in the very nature of God. This is the highest possible standard by which all others are judged.

God is infinitely righteous in Himself. He maintains Himself over against every violation of His holiness. Justice manifests itself especially in giving every man his due, in treating him according to his deserts. The inherent righteousness of God, is naturally basic.

Berkhof rightly makes a distinction between God's rectoral and His distributive justice. The Lord's **rectoral** justice, explains Berkhof,[2] is the rectitude which God manifests as the **Ruler** of both the good and the evil. He has imposed a just law upon man – with promises of reward for the obedient, and threats of punishment for the transgressor. God stands out as the Lawgiver of Israel, Isaiah 33:22 – and of people in general, James 4:12. His Laws are righteous laws, Deuteronomy 4:8.

The Bible refers to this rectoral work of God also in Psalm 94:1 and Romans 1:32. Thus, Psalm 94 declares: "O God, to Whom vengeance belongs – show Yourself!"

Also Romans 1 concludes by stating that idolaters and homosexuals "know the judgment of God – that those who commit such things are worthy of death." Indeed,

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[1] L. Berkhof: *Systematic Theology*, Banner of Truth, London, 1959, pp. 74-75.
[2] *Op. cit.*, pp. 75f.

"God is jealous [or fiery], and the Lord avenges; yes, the Lord avenges, and is furious. The Lord will take vengeance on His adversaries, and He reserves wrath for His enemies. The Lord...will not at all acquit the wicked." Nahum 1:2f.

Berkhof continues. Closely connected with the rectoral, is the **distributive** justice of God. This term usually serves to designate God's rectitude in the execution of the law, and relates to the distribution of rewards and punishments. Isaiah 3:10-11; Romans 2:6; First Peter 1:17.

It is of two kinds: (1) remunerative justice, which manifests itself in the distribution of rewards to both men and angels. Deuteronomy 7:9-13; Second Chronicles 6:15; Psalm 58:11; Micah 7:20; Matthew 25:21,34; Romans 2:7; Hebrews 11:26. (2) retributive justice, which relates to the infliction of penalties. It is an expression of the divine wrath. Romans 1:32; 2:9; 12:19; Second Thessalonians 1:8.

The primary purpose of the punishment of sin, is the maintenance of right and justice. Of course, it may incidentally serve and may even secondarily be intended – to reform the sinner and to deter others from sin. Thus Berkhof.

The con-feder-ate nature of righteousness within the Triune God

The righteous government within the Triune God is of a **con-federate** nature. For the First Divine Person is the righteous Father (John 17:25). The Second Divine Person is the righteous Son (First Corinthians 1:30). And the Third Divine Person is the righteous Spirit (Isaiah 11:2-5 & 61:1-3).

That relationship of righteousness among the Three Divine Persons is **con-federate** or **con-tractual** alias **covenantal** – from all eternity past, through all eternity present, and unto all eternity future. Thus, all three Divine Persons always have been and are and ever shall be: righteous. They are also co-equal also in righteousness. Each upholds One Another's righteousness. They have all Three always consulted with One Another, and the rights of Each Person are no more and no less important than the rights of the Trinity as a whole.

The unity of the Godhead never threatens the diversity of the several Members. The personal properties of Each have existed from all Eternity past. They will continue to exist till all eternity future – in perpetual unity with, as well as in perpetual distinction from, One Another.

The Father-King (Ruler) has always been engaged in His work of eternal generation of His Son. The Son-Prophet (Word) has always been about His work of eternal filiation from His Father. And the Spirit-Priest (Sanctifier) has always undertaken His work of eternal procession from the Father to the Son, and then back again from the Son to the Father. See the *Westminster Larger Catechism*, Questions 9-11.

God has always been one and the same Deity united together in three or multiple different Aspects or Divine Persons. Derivatively, compare here the motto of the United States of America: *e pluribus unum* – "one" from "many." For our fathers' (Triune) God is indeed the Author of liberty – and the Architect of the triune

executive-legislative-judicial nature of all good human political government in every Christian 'nation under God.'

Indeed, all good government is: executive (*cf.* the Father-Maintainer); legislative (*cf.* the Son-Lawgiver); and judicial (*cf.* the Spirit Who judges). See: Romans 11:36; James 1:17; Genesis 49:l0; John 16:7f.

The relationship between God and the laws He ordained for His universe

God Himself is *legibus solutus* – alias not subject to the laws (which He Himself created and maintains). Nevertheless, as the great Dr. John Calvin correctly points out, God is not capricious – *non exlex*.[3] Indeed, His laws – far from being contrary to God (*contra Deum*), are in fact in every respect in harmony with Him (*secundum Deum*) – and indeed also manifestations of His own divine righteousness (*secundum justitiam divinam*).

The Lord God's laws thus all reflect His own essential right-ness and His communicable "law-ful-ness" – His "fullness" of always having been lawful. There are various **kinds** of laws and norms – such as those of mathematics, physics and ethics. Job 28:26 & 38:1-11 (especially verse 10) and Romans 7:26. All of them reveal that God Himself is essentially a God of law and order. First Corinthians 14:26-40.

Now of all the various kinds of God-created laws, each displays something of His own divine wisdom – albeit in a creaturely way. This is true even of psychic laws of instinct, and of kinematic laws of movement. Thus "the ox knows its master, and the ass its master's crib." Isaiah 1:3. Also "the stork in the sky knows its appointed times; and the turtle-dove and the crane and the swallow observe the time of their coming." Jeremiah 8:7.

Indeed, God created the various kinds of cosmic laws for His creatures to obey. Even man is subject not only to God's juridical laws, but also to all the other cosmic laws – whether numerical, physical, analytical, historical, or ethical, *etc*. For man and all other creatures are subject to the laws of numbers and physics, *etc*. Indeed, those laws are fixed, and – excepting for rare divine miracles – regulate the behaviour of all of God's creatures and all of their actions. Psalms 119:89-91 & 148:6-11.

So although God is not Himself subject to the laws of justice, they are not alien to Him. Rather do they reflect, in a creaturely way, something of His own inherent justice. Indeed, the Triune God is the Ultimate Author of whatsoever things are truly just. Philippians 4:8.

Now since the apostasy of the fallen angels, man alone – as the unique image of God – was and is subject not only to untransgressible laws but also to transgressible guidelines (alias **norms**). Such include the normative guidelines of justice or righteousness. Those norms govern the behaviour specifically of man – as God's

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[3] See Dooyeweerd's *New Critique*, I pp. 93 & 99f.

highest creature. They include the norms of analysis and history – and especially judicial guidelines and ethical standards. Exodus 20:1-17 & Deuteronomy 5:6-21.

Here, juridical norms – alias the laws of righteousness – play a very prominent part. For God created man as His righteous image. Ecclesiastes 7:29 *cf.* Ephesians 4:24. Indeed, "the mercy of the Lord is from everlasting to everlasting, upon those who fear Him.... His righteousness [extends] to children's children – to such as keep His covenant, and to those who remember His Commandments, to do them." Psalm 103:17-18.

Now man was created in perfect right-eousness, as the very image of the Righteous God. James 3:9f. The Law of God was stamped onto the human heart. Ecclesiastes 7:29. It still is, even after the fall. Romans 2:14f. To gain a juridical reward, man was required to execute the dominion charter – righteously. Genesis 1:26-28 & 2:15 *cf.* Psalm 8.

That required perfect obedience to God – by way of a well-balanced harmonization of the unfolding multiplicity of human interests – both individual and social. Romans 5:12-19 *cf.* Hosea 6:7f. Particularly is this seen in man's obedience to judicial laws. Exodus chapters 21 to 23 & Deuteronomy chapters 6 to 29.

The Triune God Himself the Root of the Decalogue for all mankind

The Holy Scriptures teach that God Himself is the Root of the Moral Law expressed in the Ten Commandments . The latter are truly of all-embracing scope, and centrally important to man in all ages. For precisely man is the image of God the Creator – and thus very strongly reflects something of His own glory, albeit in a creaturely way. Genesis 1:26-28; 5:1-5; Second Corinthians 3:3-18.

The Ten Commandments relate precisely to human life, liberty, property, and the pursuit of happiness. This is why, as alluded to in the U.S. *Declaration of Independence* **from** human tyranny – those Ten Commandments necessarily presuppose our simultaneous *Declaration of Dependence* **upon** the Law of nature's God.

Now God created unfallen man as His own law-abiding image. The Lord's covenant with Adam presupposes the Ten Commandments and Adam's knowledge thereof. Before the Noachic Flood, the antediluvians all knew the substance of the Decalogue. Indeed, the patriarchs of Israel were aware of God's Moral Law long before Moses.

The Decalogue was merely re-promulgated on Mount Sinai. Later still, Christ revealed God's Law in His own Person as the Second Adam – and enjoined it upon His disciples. Consequently, the New Testament Church kept all Ten Commandments. Indeed, God's children will always keep the Decalogue, even on the future Earth yet to come – unlike the devil and his hellish disciples.

Above all, the Ten Commandments root in the very heart of God Himself. He is "the only true God" (John 17:3) – *cf.* the First Commandment (Exodus 20:3). He "is Spirit" (John 4:24) – *cf.* the Second Commandment (Exodus 20:4-6). As Jehovah

Elohiym, He always "swears by Himself" (Hebrews 6:13) – *cf.* the Third Commandment (Exodus 20:7). He on His creation sabbath "entered into His rest" (Hebrews 4:3-4 & Genesis 2:2-3) – *cf.* the Fourth Commandment (Exodus 20:8-11). Indeed, He is verily "our Father...in Heaven" (Matthew 6:9) – *cf.* the Fifth Commandment (Exodus 20:12).

Furthermore: He is "the living God" (Acts 14:15) – *cf.* the Sixth Commandment (Exodus 20:13). He is "pure" (First John 3:1) – *cf.* the Seventh Commandment (Exodus 20:14). He is "the Giver of every good gift" (James 1:17) – *cf.* the Eighth Commandment (Exodus 20:15). He "cannot lie" (Hebrews 6:18 & Titus 1:2) – *cf.* the Ninth Commandment (Exodus 20:16). Indeed, He is a also truly a jealous God (Exodus 20:5) – *cf.* the Tenth Commandment (Exodus 20:17). All in all, then, He is the very Source of the Moral Law.

The confederate structure of mankind before the fall

Very significantly, the Triune God Himself has said: "All the Earth is Mine." Exodus 19:5. "I am God.... Every beast of the forest is Mine, and the cattle upon a thousand hills.... The wild beasts of the field are Mine.... The World is Mine, and its fullness." Psalm 50:7-12 *cf.* First Corinthians 10:26-28. Yet God enjoins His image man to subdue His Own Earth – for Him. Genesis 1:26-28; 9:1-9f; Psalm 8:3-8; First Corinthians 15:22-28; Hebrews 2:5-8f.

God governed Adam before his fall – directly. God governed also Eve before her fall – indirectly, *viz.* through Adam. Genesis 2:18-23; First Corinthians 11:3-9; First Timothy 2:12-15. Indeed, even today, God still rules over all mankind – though generally in an indirect way. Thus, God governs minor children through their fathers and their mothers. Exodus 20:12 & Ephesians 6:1-3.

Before his fall, there was one Adam under the Trinity. Also today, there is one Adamic race with all of its nations – under God Triune. He made a **confederation**, a covenant, an agreement – with Adam and with all his descendants. Hosea 6:7.

The three Persons within the Triune God have always been within the Con-federacy alias the Covenantal Bond of the Trinity. After creating the universe, in time they said to One Another: "Let Us make man(kind) in Our image – after Our likeness; and let them have dominion...over all the Earth!" Genesis 1:26.

"So the Triune God created man(kind) in His Own image. He created man(kind) in the image of the Triune God; He created them male and female. Then the Triune God blessed them...and said to them: 'Be fruitful; and multiply; and fill the Earth; and subdue it; and have dominion over...every living thing!'" Genesis 1:27-28.

God created man and woman righteous – alias as godly and powerful beings . Ecclesiastes 7:29 *cf.* Ephesians 4:24. Indeed, He wrote His Law upon their hearts. *Cf.* Romans 2:14f. Consequently, they knew how – and by God they were also given the power – to live and to rule to the glory of the Lord. Ephesians 4:24-28 *cf.* First Corinthians 10:31.

Indeed, the dominion charter of Genesis 1:28 – includes the human rights of life, liberty, property, and the pursuit of happiness. For the Lord God then told the ancestors of the entire human race: "Be fruitful and multiply; fill the earth and subdue it; rule over the fish of the sea, and the birds of the air, and over every living creature that moves!"

The Bible certainly does not imply that humanity held property in common before the fall – as the mediaeval Romanist Thomas Aquinas and as the modern Anabaptist Ronald Sider wrongly suggest. To the contrary, the Sacred Scriptures actually teach that humanity upheld private property even before the fall – as Calvinists like Rev. Professor Dr. Willem Geesink have rightly insisted. Genesis 2:17,21,23,24 & 3:3.

The Triune God governed in Adam's family, through Adam's own agency. Adam and Eve were altogether righteous or law-abiding, before their fall. Genesis 1:26-28; Ecclesiastes 7:29; First Corinthians 11:7-9; Ephesians 4:24. As they would have multiplied in a godly manner, if they had never fallen – they would then indeed have produced godly children. Genesis 1:28 *cf.* 2:24 & 5:1-3.

Unfallen men and women would have left their fathers and mothers, cleft to their wives, and generated families. Genesis 2:24 *cf.* 4:17f,25f. Sinlessly, families would have produced clans; and clans would have led to the development of nations. Genesis 5:1f; Deuteronomy 32:8; Acts 17:26.

God the Father eternally generates God the Son; God the Son eternally filiates from the bosom of the Father; and God the Spirit eternally proceeds from the Father through the Son. Similarly, Adam temporally generated Eve; Eve was born from the body of Adam; and their first child proceeded from Adam and through Eve. Like the Triune God they image, all three – husband, wife, child – are formally equi-valent and co-important.

Yet, notwithstanding this equi-valency, there is still a chain of command – even before man's fall. First Corinthians 11:3 & 11:7-12 *cf.* First Timothy 2:8-15. God the Father alone was and is the First Person; God the Son alone was and is the Second; and God the Spirit alone was and is the Third Person – of the Holy Trinity.

It is similar with man, as God's image. For Adam alone is the federal head of the human race – even though Eve and her child(ren) are both, equally, just as human as is Adam. Romans 5:12f. Indeed, Adam alone is the (con)federal head of the Sethite clan – against Satan. Genesis 2:15; 3:1-6; 5:1-5.

Now the whole Adamic clan was and is required to keep all ten of God's Commandments. Genesis 1:26-28; 2:15-17; 4:26; 5:3f. Thus, Adam was required lovingly to protect his wife against Satan. She was required faithfully to submit to Adam's leadership. Cain and Abel were required to honour their father Adam and their mother Eve. Cain was required to love his co-equal or rather equi-valent brother Abel – and to protect the latter's life.

Indeed, all of the above were to respect one another's possessions and good name – and especially God's Own private property: *viz.*, the tree of the knowledge of good and evil. Genesis 2:17; 4:4f; Ephesians 5:22f; 6:1f. For they were all of them required

to remain confederate with one another – under one and the same Triune God. *Cf.* Genesis 5:1-5 with 1:26-28 & 2:24.

Unfallen man and the Ten Commandments

Now God created unfallen man as His own image. Unfallen man, while still in his first estate of rect-itude, therefore **imaged** the communicable (and indeed the actually commun-icated) right-eousness of God Himself – although only in a reflective and a creaturely way. Genesis 1:26-28; Ecclesiastes 7:29; Ephesians 4:23-24; Colossians 3:10.

This can only mean that the substance of the Ten Commandments – in essence if not in form[4] – was stamped on the heart of the unfallen Adam. We mean even from the very time of his creation onwards.

As that great Dutch Scholar and Prime Minister Rev. Professor Dr. Abraham Kuyper (Sr.) explained:[5] "Did Adam know the Ten Commandments? Yes and no. Adam could not **recite** the Ten Commandments. But he had them written in his heart. That is to say, he thoroughly knew their moral significance – **even in the details**."

Paul tells us that even fallen and ignorant Gentiles have "the work of the law written in their hearts – their consciences also bearing witness." Romans 2:15. However dimly, this surely implies some conscious degree of human knowledge of the Ten Commandments – universally, and thus even among the heathen.

For also the heathen are still images of God in the broader sense of the word, and are still required to image Him also as regards His righteousness. Genesis 5:1-3; 9:1-6; James 3:9. Hence, the Decalogue is preserved at least in a remnantal way in their hearts – *viz.*, by the continued operation of God's common grace, and in spite of the fall.[6] This suggests the Ten Commandments were written also on the heart of their first ancestor – the unfallen Adam – at the beginning of the human race. Ecclesiastes 7:29.

Indeed, God established His covenant with unfallen man – and, in him, also with all his descendants. See the phrases "in Adam"[7] or "like man" at Hosea 6:7. Positively, this required man's execution of the dominion charter – and also of its concomitant institutions of marriage and the weekly sabbath. Genesis 1:26 to 2:3.

Negatively, the covenant also required that man avoid eating of the tree of knowledge of good and evil. Genesis 2:17 & 3:3-17. Ultimately, man's covenant-keeping was to be rewarded with the gift of unlosable everlasting life – in its cosmos-

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[4] See F.N. Lee: *The Covenantal Sabbath*, Lord's Day Observance Society, London, 1971, pp. 23-25.
[5] A. Kuyper: *The Doctrine of the Covenants*, Kok, Kampen, 1909, p. 89 (emphases mine: F.N. Lee).
[6] F.N. Lee: *Calvin on the Sciences*, Sovereign Grace Union, London, 1969, pp. 16-19. See too: Acts 14:17; 17:22-28; Romans 1:20; 2:14-16; John 1:1-9; Genesis 4:20-22 & 6:1-4 (esp. v. 3) *cf.* Job 32:8 & Prov. 20:27.
[7] A.A. Hodge: *Outlines of Theology*, Nelson, Edinburgh, 1879, ch. XVII; Kuyper's *Doctrine of the Covenants*; Lee's *Cov. Sab.* pp. 17-40.

embracing scope – as foreshadowed by the tree of life. Genesis 2:9 & 3:22 and Revelation 2:7 & 22:14.

This again implies a knowledge of the Ten Commandments – both by Adam, and by all his descendants. It also implies the requirement of their perpetual observance thereof. Indeed, all five of the institutions of Eden – the dominion charter; the weekly sabbath; marriage; the tree of the knowledge of good and evil; and the tree of life – very clearly presuppose the Ten Commandments.

As such, this conclusively establishes that Adam (the forefather and federal head of all peoples of all languages and of all races and of all religions) himself received and knew and was required to live by and to teach all of his descendants – the decalogical principles of God's Ten Commandments. Careful analysis of all the Edenic data will establish this.

The Dominion Charter and the Ten Commandments

Even the dispensationalistic *New Scofield Reference Bible* has described that Dominion Charter as "the divine *Magna Carta* for all true scientific and material progress." This it does, in its footnote at Genesis 1:28.

Now this Dominion Charter also necessarily implies the Decalogue – and *vice-versa*. For that Charter was to be executed to the glory of the one true God alone (Genesis 1:26 & Psalm 8:1-9) – *cf.* the First Commandment. Yet only creation was to be subdued, and never the Creator (as is sinfully attempted when men *e.g. try* to depict God). Genesis 1:28 & John 4:24 – *cf.* the Second Commandment. By subduing the Earth to God's glory, Adam would glorify God's Name (Genesis 1:26 to 2:3 & Psalm 8:1-9) – *cf.* the Third Commandment. After dominating and subduing the Earth during six days of labour,[8] Adam was to rest every sabbath day (Genesis 1:28 to 2:3 and Hebrews 4:4-11) – *cf.* the Fourth Commandment. Indeed, by thus labouring and resting, he honoured his heavenly Father (Genesis 1:28 & Psalm 8) – *cf.* the Fifth Commandment.

Adam was to preserve and to protect life (Genesis 1:28; 2:19f; 7:1-3; 9:1-15) – *cf.* the Sixth Commandment. To be *able* to subdue the whole Earth, it was necessary for him to marry and to raise children to help him to do so (Genesis 1:26 to 2:25) – *cf.* the Seventh Commandment. This God-enjoined multiplication and expansion of mankind, absolutely necessitated the institution of private property (Genesis 1:28; 2:24; 4:3-5) – *cf.* the Eighth Commandment. Adam was to regard God's Word as truthful, and to obey it by subduing the Earth (Genesis 1:28-31) – *cf.* the Ninth Commandment. Indeed, Adam was to enjoy all that God had given him, but never to desire God's own private property such as the fruit of the tree of the knowledge of good and evil (Genesis 2:16f & 3:6f) – *cf.*, in closing, also the Tenth Commandment.

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[8] The great Polish Reformer John a Lasco rightly taught that the sabbath commandment enjoined **both** labour on the week days **and** rest on the Lord's Day. See Lee's *Cov. Sab.*, pp. 254f.

The Sabbath and the Ten Commandments

As the necessary complement of the Dominion Charter and its required labour, also the weekly sabbath and its rest clearly reveal the Decalogue. For the sabbath is intimately related to the whole of the Moral Law, in that it was instituted by the one true God, the Creator of Heaven and Earth (Genesis 2:1-3) – *cf.* the First Commandment. It provides the spiritual way in which God is to be worshipped, not exclusively yet nevertheless also and especially on one day in seven (Genesis 2:1-3; Exodus 20:4-11; Ezekiel 20:11-17) – *cf.* the Second Commandment. It was sanctified by God under oath (Hebrews 3:11 & 4:4f) – *cf.* the Third Commandment. It prophesied everlasting rest (Genesis 2:3 and Hebrews 4:4-11) – *cf.* the Fourth Commandment. Indeed, its observance respected God's authority (Ezekiel 20:10-14 & Exodus 20:8-11) – *cf.* the Fifth Commandment.

It also prophesied everlasting life (Hebrews 4:4-11) – *cf.* the Sixth Commandment. Its observance by man and wife together, promoted their joint loyalty toward God and hence toward one another too[9] (Exodus 20:8-11; Deuteronomy 5:12-16; Leviticus 19:29f) – *cf.* the Seventh Commandment. It regulated honest labour (Genesis 1:28 to 2:3) – *cf.* the Eighth Commandment. Its use bore out the true witness of God's promise of life (Genesis 1:28 to 2:3; 2:9; 3:22; Psalm 95:11; Hosea 6:7; Hebrews 4:1-11) – *cf.* especially the Ninth Commandment. Indeed, its regular observance increased man's desire for the life to come (Revelation 14:9-13) – *cf.* the Tenth Commandment.

Marriage and the Ten Commandments

As an integral part of the Dominion Charter, also the institution of marriage presupposes the Decalogue. For marriage is illustrative of the relationship between the divine Christ and His obedient bride the Christian Church (Genesis 1:28 & Ephesians 5:23) – *cf.* the First Commandment. It apparently points to the spirituality of God Himself (Genesis 1:28: Ephesians 5:25-32; First Corinthians 7:14; Luke 1:15) – *cf.* the Second Commandment.

It honours God's Name (Genesis 1:26-28; 2:18-23; 3:20-22; Exodus 3:13-15; 4:20-26; Ephesians 3:14-15) – *cf.* the Third Commandment. It constantly reminds one of the idea of sabbath rest (Ruth 3:1; Psalm 95:11; Hebrews 4:1-11; Genesis 1:26 to 2:3) – *cf.* the Fourth Commandment. Indeed, it usually results in the birth of children who are to honour their parents (Genesis 1:26-28; Proverbs 1:8 & 4:1-4) – *cf.* the Fifth Commandment.

It reproduces life (Genesis 1:26-28; 2:24f; 3:15-20; 4:1f) – *cf.* the Sixth Commandment. It should involve only two partners (Genesis 2:24f; Malachi 2:14f; Matthew 19:4-8) – *cf.* the Seventh Commandment. It results in the establishment of a separate home and separate private property therein (Genesis 2:24; 4:3f; chapters 30 & 31) – *cf.* the Eighth Commandment. It involves truthfulness in mutual words (Ruth 4:9-11) – *cf.* the Ninth Commandment. Indeed, it is designed to combat coveting one's neighbour's wife and home (Exodus 20:17 & First Thessalonians 4:4f) – *cf.* the Tenth Commandment.

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[9] See Luther on Genesis (as cited in Lee's *Cov. Sab.* pp. 77f).

Salvation was never by our own works of keeping the Ten Commandments

In passing, it should also be observed that man was never required to work for his salvation – alias his ongoing health and welfare – not even before the fall. Also then, it was only by the undeserved favour (or "grace") of the Lord God alone that man was first created and subsequently preserved and thus enabled to do anything at all. Luke 2:40; 3:23,38; Revelation 4:11.

Though always required to keep God's Commandments of God and to execute the Lord's Dominion Charter, **man's** doing this was never the meritorious **ground** of his obtaining everlasting life. To the contrary, rather was it an expression of gratitude to Almighty God. For it was part of man's "pure religion and undefiled" and his "reasonable service" to the Lord (Romans 12:1 & James 1:26f) – as his way of giving thanks to God for already having given him human life (both physical and spiritual). Genesis 2:7; Ephesians 2:8-10; 1:4-7; 4:17-32 (especially verses 22-24).

That human life, had Adam not sinned, would have been everlasting and would never have terminated. Romans 6:23 & 8:19f. Indeed, but for man's sin, that human life of Adam would ultimately have led him to heavenly glory itself. Romans 8:19-29; First Corinthians 13:11f; Second Corinthians 3:18.

True, that everlasting life with which Adam was originally endowed – could be lost. Indeed, as a result of his avoidable fall, that everlasting **life** – but **not** man's everlasting **existence** – indeed **was** lost! But it was not lost because Adam failed to earn it. It was lost, as Scripture specifically declares, by Adam's disobedience – in eating of the forbidden fruit of the tree of the knowledge of good and evil. Genesis 2:17; 3:3,11,17; Philippians 3:19.

The forbidden fruit and the Ten Commandments

Even the test prohibition against eating the fruit of the forbidden tree, presupposed the Ten Commandments. It is true it was added only after the engraving of the inherent Moral Law on Adam's heart – at the beginning of his life. It is also true it was added only after God's audible communication of the Dominion Charter – with all its decalogical implications – to our first father. Yet that test prohibition in every sense presupposed, and also reflected, that Moral Law – which had already been revealed to him.

Hence, we see that the test prohibition was promulgated to man by the one and only true Triune God (Genesis 2:16f) – *cf.* the First Commandment. It was communicated directly (Genesis 2:16f & 3:11,17) – *cf.* the Second Commandment. Its breach embodied a solemn penalty for Adam and for his descendants (Genesis 3:11,17 & Exodus 20:7) – *cf.* the Third Commandment. Its penalty of (everlasting) death implied the opposite reward for not breaking it – the reward of unlosable everlasting life alias everlasting rest with God (Genesis 2:1-3,17; 3:22; Hebrews 4:1-11). *cf.* the Fourth Commandment. Indeed, its Author's authority was to be respected (Genesis 2:16f; 3:3,11,17; Romans 5:12f,19) – *cf.* the Fifth Commandment.

While it could not terminate human **existence**, it could indeed end human **life** – by human death (Genesis 2:17; 3:3,11,17; Romans 5:12f,19) – *cf.* the Sixth Commandment. Its breach was marked by disunity between man and wife, and by shame in their nakedness (Genesis 3:3-16) – *cf.* the Seventh Commandment. It warned against the theft involved in its transgression (Genesis 2:17 & 2:3-11) – *cf.* the Eighth Commandment. Its breach was occasioned by accepting the false witness about it from the serpent (Genesis 3:3-5 & John 8:44) – *cf.* the Ninth Commandment. Indeed, its breach was immediately caused by the desire of that which had been forbidden, and the tragic consequences of that covetousness (Genesis 3:3-6 & James 1:14f) – *cf.* the Tenth Commandment.

Incidentally, man's sin lay not in studying this God-given tree and the Ten Commandments it represents. For this, in fact, is precisely what he was required to do . Genesis 2:9,17; 3:3; Psalm 1:2; 119:97,100. But man's sin lay in disobeying God's Law (First John 3:4), by eating of the forbidden fruit of that God-created tree (Genesis 3:11-17) – instead of subjecting himself to the revealed Moral Law of God (Romans 8:7).

By thus disobeying the Lord, man became a law unto himself – by ignoring what he had known was right in God's eyes, and by going ahead and doing what he erroneously began to think was right in his own eyes. Deuteronomy 12:8; Judges 17:6; 21:25. For, by trying to "know good and evil" **apart** from submitting to the clearly revealed will of God, man was in fact bent on trying to make a god of himself – by way of his **own** by-then-perverted ideas of right and wrong (Genesis 3:5,22). Man did this, by attempting to reconstruct the decalogical implications of the forbidden tree – in disobedience to God's infallible Word. Today, antinomians act similarly.

The tree of life and the Ten Commandments

Finally, man's ultimate reward – as foreshadowed by the tree of life – also presupposed the Ten Commandments. For the tree of life pointed to the one true God (Genesis 2:9) – *cf.* the First Commandment. It could be partaken of without guilt only in the appropriate way (Genesis 3:22 & Revelation 2:7) – *cf.* the Second Commandment. It somehow then revealed God's most holy Name (Genesis 3:22; Revelation 2:7,17; 3:12) – *cf.* the Third Commandment. It signified and sealed man's inheritance of unlosable everlasting life, that is, his future everlasting sabbath rest (Genesis 2:9; 3:22; Hebrews 4:1-11) – *cf.* the Fourth Commandment. Indeed, it also promised a long life for obeying man's heavenly Father (Proverbs 3:1-18 & Exodus 20:12) – *cf.* the Fifth Commandment.

The tree of life was the reward for that just(ified) or righteous one, who saves souls from death (Proverbs 11:30 & Revelation 22:2) – *cf.* the Sixth Commandment. It promoted the inheritance of everlasting life to both husband and wife together (Genesis 3:22 & First Peter 3:7) – *cf.* the Seventh Commandment. Unfallen man was invited to lay hold of it; but unregenerate fallen man has no right to possess it (Proverbs 3:18 & Genesis 3:22) – *cf.* the Eighth Commandment. "A wholesome tongue is a tree of life: but perverseness therein is a breach in the spirit" (Proverbs 15:4) – *cf.* the Ninth Commandment. Indeed, when legitimate desire (as opposed to covetousness) is satisfied, it is as a tree of life (Proverbs 13:12) – *cf.* the Tenth

Commandment. For "blessed are they that do His Commandments, so that they may have right to the tree of life." Revelation 22:14.

The *Westminster Standards* and the Ten Commandments

For the above reasons, the *Westminster Confession of Faith* correctly states[10] that God "created man male and female" and "endued [them] with knowledge, righteousness and true holiness – after His own image, [and] having the Law of God written in their hearts and power to fulfil it." Furthermore: "God gave to Adam [this] Law, as a covenant of works by which He bound him – and all his posterity – to personal, entire, exact, and perpetual obedience."[11]

Yet again: "This Law, after his fall, continued to be a perfect rule of righteousness; and as such was delivered by God upon Mount Sinai in Ten Commandments...which doth for ever bind all, as well justified persons as others, to the obedience thereof.... Neither doth Christ in the gospel any way dissolve, but much strengthen this obligation..., the Spirit of Christ subduing and enabling the will of man to do that freely and cheerfully which the will of God revealed in the Law requireth to be done."[12]

Also the *Westminster Larger Catechism* rightly insists[13] that the first man and woman had "the Law of God written in their hearts, and power to fulfil it, with dominion over the creatures." It then goes on to add[14] that "God placed man in paradise, appointing him to dress it, giving him liberty to eat of the fruit of the earth, putting the creatures under his dominion, and ordaining marriage for his help..., instituting the sabbath, [and] entering into a covenant of life with him, upon condition of personal, perfect, and perpetual obedience."

In "ordaining marriage for his help," continues the *Catechism*,[15] God gave Adam and his entire posterity the substance of the Seventh Commandment. In giving man "liberty to eat of the fruit of the earth" and in "putting the creatures under his dominion," God then enjoined the positive observance of the substance of the Sixth Commandment.[16] Indeed, in placing man in "paradise [and] appointing him to dress it" – as well as in then "instituting the Sabbath" – the Lord God required man to keep the Eighth and Fourth Commandments.[17] Thus it is clear that the *Catechism* too understands Scripture to teach that really keeping the Ten Commandments, **requires** man: to subdue the entire Earth; to keep the sabbath; and to promote marriage – all and entirely to God's glory.

Hence, as the great Westminster Assembly theologian Lightfoot has insisted: "Adam heard as much in the garden as Israel did at Sinai, but in fewer words and

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[10] *West. Conf.* 4:2.
[11] *West. Conf.* 19:1.
[12] *West. Conf.* 19:2,5,7.
[13] *West. Larg. Cat.* Q. 17.
[14] *West. Larg. Cat.* Q. 20.
[15] *West. Larg. Cat.* QQ. 137f.
[16] *West. Larg. Cat.* QQ. 99 & 134f.
[17] *West. Larg. Cat.* QQ. 117f.

without thunder."[18] Indeed, as the great Scottish theologians Fisher and M'Crie and the American scholar Louis Berkhof all imply – by eating of the forbidden fruit, our first father Adam broke totally all of the Ten Commandments simultaneously.[19]

The impact of man's fall upon his obedience to the God-given Law

Now it is precisely the breach of the Law of God – which constitutes sin. For sin is – the transgression of the Law. First John 3:4. Thus, man became – un-right-eous. Romans 3:5-20.

Man's nature is now fallen. Until regenerated – he is, from conception onwards, now inclined not to love but henceforth to hate God and his neighbour. Psalm 51:5; Romans 5:6f; Titus 3:3f. Indeed, the promised punishment of death – for the breach of the Law of God – is now meted out to fallen man by the righteous God. Ezekiel 18:4; Romans 3:23 & 6:23.

Sinful man would be punished in progressive stages. First, he would receive the juridical sentence of death – in Paradise. Genesis 2:17 & 3:19. Second, he would be expelled from Paradise – and the presence of God. Genesis 3:24. Third, the physical death of man would culminate in the extermination of the unrighteous – in the judgment of the great flood. Genesis 5:5f; 6:13; 7:21f. Fourth, there are also God's subsequent judgments in history – individually, collectively, nationally and even internationally. Psalms 77 & 78 & 105 *cf.* Prov. 14:34 *etc*.

Fifth, the nations themselves are progressively judged – and will be weighed, finally, at the Last Assize. Daniel 7 *cf.* Matthew 25:32. Sixth, that will culminate in the final judgment of every human being – at the end of world history. Second Thessalonians chapter 1, & Revelation 20:10f. Seventh, there will then be the righteous execution of God's judgment against all the unpardoned – according to their works – in everlasting punishment. Mark 9:43f; Revelation 14:10f; 20:14; 21:8; 22:15f.

Yet, even in His righteous wrath, God is also merciful. *Cf.* Habakkuk 3:2. Thus, right after the fall, God the Son promised man that He Himself would ultimately incarnate Himself as the Second Adam. As such, He would live a perfectly righteous human life. Acts 3:14; Romans 5:12f; First Corinthians 15:22,45. On behalf of His elect children, He Himself would undergo the fearful punishments of sentence and death and hell – meted out to a wayward mankind by a Law-loving and a sin-hating God. Isaiah 28:14f. Thus, they, the elect – on the basis of His suretyship for them (Second Corinthians 5:17-21) – are by grace alone juridically pardoned. Romans 8:1f & 5:1f. They are reconciled to God – by Christ's Own retribution for them.

God gave His children this saving promise right after the fall in Paradise. Genesis 3:15f. It involved the righteous sentence of death being pronounced against the devil. It also involved the substitutionary punishment of Christ Himself, in the place of His people. *Cf.* Galatians 4:4-6. Thereafter, God isolated the murderous Cain from all law-

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[18] See the M'Crie edition of E. Fisher's *Marrow of Modern Divinity*.
[19] See Lee's *Cov. Sab.*, pp. 23-25 & 81-83.

abiding human society (Genesis 4:11-16). Then the Lord later destroyed the ungodly flood generation (Genesis 6:11f) – and spared the family only of "Noah, a righteous man" (Genesis 6:9).

Next, after making a new beginning with renewed humanity in post-diluvian times – God instituted official **human** execution of juridical retribution in the days of Noah. Genesis 9:5-6. This must be seen as the germ-cell of all human law-courts and judicial arbitration. Thereafter it was constantly expanded, and further articulated – down throughout Old Testament times. Exodus 18:13f; Leviticus chapter 25; Numbers 35:10f; Psalm 82; *etc*.

Shortly after the great flood, humanity defied God by building the tower of Babel. This yields us a preview of the modern, ungodly United Nations' Organization – also founded upon humanistic conventions. But God at length destroyed Babel's towering edifice. For He required the then-emerging nations instead to ground their International Law on that Law of nature (and nature's God) as seen in the Adamic and Noachic Decalogue. Genesis 1:26f; 2:17; 9:5f; 11:6-9; Romans 2:14f; Isaiah 2:2f; Revelation 15:4.

Soon after the destruction of the tower in the plain of Shinar at Babel, Abraham and his descendants were particularly privileged. Thus, Abraham not only (like all other men everywhere) had the Law of Nature ineradicably etched upon his heart – and perhaps even more deeply so. Romans 1:19-20 *cf.* 2:14-15 & 4:1-11. In addition, Abraham further gained possession of true right-eousness – because just-ified by God's grace and through his own God-given faith in the human righteousness of Christ the coming Saviour.

Consequently, the Law of God became deeply imbedded into Abraham's very heart and soul. Genesis 15:6 *cf.* Romans 4:3. Out of gratitude for the God-given salvation he had received, even subjectively Abraham thus became a Decalogue-keeping man. Genesis 18:19 *cf.* 26:5. For the Commandments given by God through Abraham (and later also through Moses), were themselves righteous. Psalm 19:8 *cf.* Romans 7:12.

The Ten Commandments from the fall to the flood

Even after the fall of Adam and right until the flood of Noah, it is clear that the Decalogue was still universally known. For evidence of a still-remaining consciousness of the Ten Commandments is to be found in the lives of all of Adam's immediate descendants – both the regenerate and the unregenerate.

Noah, for instance, is called a righteous (alias a law-abiding) man. He trusted God alone, longing for the promised Messiah (Genesis 4:1; 5:29; 6:9) – *cf.* the First Commandment. We are told both Enoch the Sethite and Noah walked with God, and pleased Him (Genesis 5:24 & 6:9) – *cf.* the Second Commandment. The Sethites as a group "began calling on the Name of the Lord"; but Lamech the Cainite swore an unholy oath (Genesis 4:23-26) – *cf.* the Third Commandment. Abel and Noah apparently kept the sabbath[20] (Genesis 2:3; 4:3; 5:29; 7:4,10; 8:6-12,20-22) – *cf.* the

[20] Lee: *Cov. Sab.*, ch. III.

Fourth Commandment. Indeed, the Sethites were apparently called "sons of God"; but Ham was punished for dishonouring his father (Luke 3:38; Genesis 6:4; 9:22-25) – *cf.* the Fifth Commandment.

Cain **sinned** by killing Abel; for sin is the transgression of the **law**, as can be seen with "Cain who...slew his brother" (Genesis 4:11,23 & First John 3:10-15) – *cf.* the Sixth Commandment. Lamech the Cainite was the first bigamist; and the "sons of God" or the Sethite men immorally cohabited with the faithless "daughters of men" or the Cainite women (Genesis 4:19,23 & 6:1-5) – *cf.* the Seventh Commandment. Noah gave food to those on the ark (Genesis 6:21f) – *cf.* the Sixth and Eighth Commandments. Cain lied to God (Genesis 4:9 *cf.* First John 3:10-15 & John 8:44) – *cf.* the Ninth Commandment. Indeed, the sons of God sinfully desired the daughters of men (Genesis 6:2) – *cf.* the Tenth Commandment.

Noah a righteous man and a type of Jesus Christ the 'Second Adam'

The pre-fall 'decalogical' covenant (Genesis 2:17f *cf.* Hosea 6:7f) continues to bind man forever – even after the fall. The mere fact that fallen man can now no longer keep the covenant of works in a way pleasing to God, no way implies that man is no longer obliged to do so. Thus, Abel was a godly covenant-keeper; but Cain a guilty covenant-breaker. Genesis chapter 4. Of the two, only Abel – and later Seth – embraced the covenant of redemption and understood that the latter involves precisely a Second Adam keeping the covenant of works in our stead. Genesis 3:15 *cf.* 4:25f.

At and after the great flood, the Triune God re-established His confederate covenant – with Noah and his descendants. Genesis 6:18 & 9:1f *cf.* 1:26-28 and Hosea 6:7f. This involved sacrificing only clean animals to the one true God. Genesis 7:2f & 8:20f. Because Noah was a type of the 'Second Adam' yet to come – he 'saved' the elect human race within the ark. But Noah also continued the governmental tasks of the first Adam. So Noah and his family also ruled over the other creatures – and were themselves clearly re-enjoined to "be fruitful and multiply and fill the Earth."

All other earthly creatures were delivered into their hand, as subject to their government. All wild animals attacking man, were and are to be put to death by man. And all violent men killing other men, were and are similarly to be put to death by human society.

Thus, any attack against man – against his life, his liberty, his property, and his pursuit of happiness – is indirectly an attack on God Himself and against His Ten Commandments. Such attacks against men are to be punished. For even fallen man is still the image of God. Genesis 9:1-7 *cf.* James 3:9f.

So here, after the flood, we see the germ of all human law courts and judicial tribunals and other public governments. Indeed, in our previous chapter, we have already seen that this essentially decalogical Noachic covenant – prohibiting idolatry, blasphemy, homicide, fornication, theft, raw meat consumption and civil disobedience – is the basis of the **Law of Nations**. It is also the basis of the binding decision of the presbyterial First General Assembly of the Christian Church – as recorded in Acts 15:18-29.

Such practices represent what also the later Ancient Jews called the Noachide Laws – for all mankind. See *(Ethiopic) Enoch* chapters 54f, 60, 65 to 69 & 106f – and *Jubilees* 7:20f – both perhaps from the second century B.C.

Indeed, also the Jewish *Talmud* states: "Seven precepts were imposed on the descendants of Noah: civil justice, the prohibition of blasphemy, idolatry, incest, murder, theft, and the prohibition of eating flesh cut from a living animal." *Sanhedrin* 56a.

This can be traced also in the B.C. 30f (Slavonic) *Secrets of Enoch*. This writing purports to present Noah's great-grandfather Enoch the Sethite's instructions – as being given to the latter's antediluvian descendants. *Cf.* Genesis 5:21-27f & Jude 14f.

In those *Slavonic Secrets*, Enoch is alleged to have explained to the brethren of Methuselah (who died in the very year of the flood): "Man brings clean animals to make sacrifice for sin.... All is given you for food..., but whoever kills a beast without wounds [that is to say, without first mortally wounding it and then shedding its blood] – kills his own soul, and defiles his own flesh....

"He who works the killing of a man's soul, kills his own soul.... He who works crookedly or speaks evil against any soul, will not make justice for himself." *Slavonic Enoch* 59:2-5 & 60:1,4 – *cf.* Genesis 9:5-6.

Slavonic Enoch (61:1 & 63:4 & 66:3-8) then continues: "My children, keep your hearts from every injustice – which the Lord hates.... Every proud and magniloquent man is hateful to the Lord.... Every false speech clothed in untruth...will be cut with the blade of the sword of death, and thrown into the fire – and shall burn for all time....

"Bow down to the true God, not to dumb idols! ... Bring all just offerings before the Lord's face! The Lord hates what is unjust.... Blessed are the just, who shall escape the great judgment. For they shall shine forth more than the sun, sevenfold."

More importantly, also the infallible New Testament re-confirms the thrust of all of this. Decreed the First General Assembly of the Christian Church: "We should not trouble those from among the Gentiles who are turning to God – except that we write to them that they should abstain from pollutions of idols, and from fornication, and from things strangled, and from blood." Acts 15:19f. For such are "**necessary** things" – if one would "do <u>well</u>." Acts 15:28f.

The reason for this is that the entire human race (including those trapped in paganism) descends – *via* Noah and his great-grandfather Enoch the Sethite – from Adam. As the great Common Law jurist Sir William Blackstone remarks in his *Essay on Collateral Consanguinity*:[21] "We may ascend to Noah, or to Adam himself, and make him the *stipes* of universal consanguinity.... All have sprung from his loins, as founder's-kinsmen..., the whole race of mankind."

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[21] See his *Tracts*, pp. 148f.

The Tower of Babel and the origin of the *Law of Nations*

Sadly, however, post-flood man soon sought a one-world government at the citadel of Babel. This was not one nation under God. Instead, it was many nations under the heel of the ungodly Nimrod – the tyrant or 'mighty man' of violence.

This was rather like Cain's ungodly 'Enoch City' before it (Genesis 4:16-24). For also this later City of Babel was simply 'the empire of fallen man' – all over again. Genesis 6:1-5 *cf.* 10:8-12.

But God destroyed Nimrod's despotic cosmopolitanism. Genesis 11:1-9. For God had originally created mankind, in order that it should leave its Edenic dwelling-place – and start moving out into all the World, thus developing into the various distinct nations. Genesis 1:28; 2:7f; 2:24f; 3:24; Acts 17:26f.

So at Babel, God now flung mankind asunder – out into all the world. Henceforth, the nations of mankind would develop separately. All their boundaries would now be set according to the number of Abraham's descendants, the children of Israel (alias God's covenant people). Deuteronomy 32:8.

We say these national differences and the various national governments would have developed – though probably less profoundly so – even without sin. For the God Who sustains them, is Himself not only a Unity but also a variety of Persons within that Unity (and hence a triune Multi-unity).

Everything He created within the universe, reflects this variety – including the variety within mankind itself. This is particularly true of the variety of human personalities, races and nationalities – which, created as God's image, would have unfolded even without sin.

Of course, sin exaggerated and continues to exaggerate these differences. For sin promotes separation not only between the believer in the one true God on the one hand and the unbeliever on the other (also within the same race and/or nation). Sin in addition promotes separation also between believers in the same nation, and even more so between believers in each nation and unbelievers in other nations.

Furthermore, sin promotes separation between the various nations too – and especially between God-fearing nations on the one hand and God-ignoring nations on the other. Mercifully, however, it is also true that God-fearing individuals in one nation often gladly fellowship with God-fearers among other nations. But it is also so that God-haters of all nations – stand together against the God-fearers even in their own nation. Psalm 2:1f; Matthew 25:32f; Acts 17:26-34.

God's ancient covenant people, Abraham's descendants the Israelites, maintained – and some of their further descendants still maintain – their separate existence from the other nations. This virtue was principally upheld also among the Christians of the various nations, in New Testament times. In spite of liberalistic and communistic integrationism, these God-given national differences still exist today. Indeed, they will continue to exist also in Heaven and even on the New Earth – forever. Revelation 21:24-26.

After the destruction of the tower of Babel, the descendants of Noah's three sons (Shem, Ham, and Japheth) – namely the Semites, the Hamites, and the Japhethites – trekked away from that area. Leaving Babel, they separated from one another – each trekking forth toward a different destination.

Some went a much greater distance than did others. Some departed from primordial divine revelation much more than others did. Indeed, some – such as the 'too-otherworldly' Hamitic Ancient Egyptians (in spite of their early use of writing) – were harsh in their customs. Genesis 12:12 & 40:19-22 *cf.* Exodus 1:8-16 & Psalm 105:23f. Significantly, those Egyptians left no code of law for their life – in this **present** World.[22] Rather did they prefer to specialize in funerals for the **next** World. Genesis 50:3-11.

The primordial laws of the Japheth-ites living in the "tents of Shem"

Yet soon after the flood and immediately subsequent to the great dispersion of mankind right after the destruction of humanism's tower of Babel – God did not initially again give His Laws for good government in this present World to Hamites like the Egyptians and the Sumerians (*cf.* Genesis 10:8-12). Instead, He republished them especially to the Early Semites – and also to such Japhethites as dwelt, and as would dwell, in the 'tents of Shem.' Genesis 9:26 to 11:19f.

It would seem that Gomer – the first-mentioned son of Japheth – was the ancestor of the *Cymri* alias the Ancient Brythons who dwelt in the tents of Shem and who later took God's Law to the Ancient British Isles. Genesis 10:1-5. Those Western Isles would later be mentioned as a place where God's Law would be found, and later still even magnified and strengthened – as predicted especially by Isaiah (11:10-12; 24:14-16; 42:1-6,10-12,21; 49:1-12 & 51:5).

Significantly, the laws also of the confederated and japhethiticized Ancient Hittites were very noteworthy. Genesis 10:1-5 & 10:15 *cf.* 23:3-20. It seems the legislation of their own confederation initially rooted much more deeply than did the Sumerian laws – in the Pre-Abrahamic if not indeed the 'Noachic' customs of the earliest Semites (and also of the earliest Japhethites who dwelt 'in the tents of Shem'). Genesis 9:1-7 & 9:23-29 *cf.* 10:1-5 & 11:10f.

Dr. Friedrich Hrozny, Professor of Research in Cuneiform and the History of the Ancient East (at the Charles University in Prague),[23] published the *Hittite Code*. Professor Dr. Hrozny explains that modern research has proved the ruling people of the Hittite Kingdom spoke a tongue related to modern European languages.

The cuneiform inscriptions of Boghazkeni in the centre of modern Turkey clearly show that Hittite civilization had reached a high level by B.C. 1385. The *Hittite Code* gives a deep insight into Hittite justice. In regard to punishment, it is much milder than the rather severe Mesopotamian *Codex Hammurabi*. Indeed, mutilations were

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[22] See Edmunds: *op. cit.*, pp. 21f.
[23] Thus the 14th ed. of the *Encyclopaedia Britannica* XI p. viii.

seldom imposed by the Hittites. Furthermore, a long section of the *Hittite Code* of laws is of great economic importance.[24]

The early Semitic and Japhethitic (or japhethiticized) laws had come forth, quite fresh, from out of Noah's ark – and probably then showed but little degeneration. See: Genesis 8:4-22 & 9:1-7 & 11:10f. They were preserved and constantly expanded – especially to Abraham and his descendants.

Indeed, God's even later divine statutes – were revealed to Abraham and to Isaac perhaps as early as B.C. 2300 (but certainly before 1800). Genesis 18:19 & 26:5. Thus, through Abraham and Isaac and Jacob and Joseph, God's Ancient Law was faithfully transmitted and augmented – *via* the Hebrews – into the yet later Mosaic Law, around 1450f B.C.

Yet even before and still more just around the time of Abraham – most of mankind's legal systems were already exhibiting various degrees of deterioration. Yet Gomer the son of Japheth and the ancestor of the *Cymri* dwelt in the tents of Shem. And the Gomer-ites or Cimmer-ians – apparently from Cimmeria in the Southern Ukraine to the north and west of the Ararat Mountains where Noah's ark came to rest after the flood – later took the Law of God to the British Isles of the Western Sea. Genesis 9:1-7,19,27 & 10-1-5.

Indeed, the Hebrew word *Yam* means both "sea" and "west." Around 750 B.C., Isaiah too took up that theme – asserting the way in which those remote islands to the north and to the west of Palestine would preserve the Law and anticipate the Gospel – and yet later even export both of them to the very ends of the Earth.

States Isaiah (11:9-12): "The Earth shall be[come] full of the knowledge of the Lord, as the waters cover the sea. And in that day, there shall be a Root of Jesse Who shall be an Ensign of the people. The Gentiles shall seek Him, and His rest shall be glorious.... And He shall set up an ensign for the nations – and He shall assemble the outcasts of Israel and gather together the dispersed of Judah from the four corners of the Earth."

Again: "The Earth also is defiled under its inhabitants...because they have transgressed the laws, changed the ordinance, broken the everlasting covenant.... [Nevertheless,] they shall lift up their voice. They shall sing for the Majesty of the Lord. They shall cry aloud from the sea. Therefore, glorify the Lord...in the Isles of the Sea [alias the Isles of the West]! From the uttermost part of the Earth, we have heard songs – even glory to the righteous." Isaiah 24:5-16 *cf.* Hosea 6:7-11.

It needs no demonstration that from the perspective of the locality of Isaiah's Palestine, it was precisely the British Isles (from which tin was then being hauled) that was seen to be at "the uttermost part of the Earth." For, from the Near East, those Western Isles lay beyond the Mediterranean – alias at the very edge of the then-known civilized World.

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[24] *Ib.*, XI, pp. 598 col. 8f.

Again, God then promised: "My Servant...shall bring forth judgment to the Gentiles.... He shall not fail nor be discouraged.... He shall set up judgment upon the Earth, and the Isles shall wait for His Law."

Specifically in respect of that Servant of the Lord – Jesus Christ – God then added: "The Lord has called You in righteousness..and will keep You." Indeed, God "will give You as a covenant of the people, for a Light of the Gentiles."

Therefore, God further enjoins: "Sing to the Lord a new song, and His praise from the end of the Earth – you who [in ships] go down to the sea and all that is in it; the Isles and their inhabitants.... Let them give glory to the Lord, and [let them then] declare His praise in the Islands!" Isaiah 42:1-6,10-12.

And again: "Listen, O Isles, to Me!" For God would say to His Servant Jesus: "It is a light thing that You should be My Servant, to raise up [only] the tribes of Jacob and to restore the preserved of Israel. I will give You also as a Light to the Gentiles – so that You may be My salvation to the end of the Earth.... These [Gentiles] shall come from the North and from the West" – from an area such as the British or Western Isles to the North and to the West of Isaiah's Canaan. "The Isles shall wait upon Me, and upon My arm they shall trust." Isaiah 49:1-12 & 51:5.

The laws of the Shem-ites: Abraham and the Ebla Tablets

Yet God gave His Laws particularly to Abraham – who doubtless shared them with his acquaintances and especially with his "confederates." See: Genesis 11:19-32; 12:1-7; 14:13-14; 18:17f; 20:7. Even the 'legal' heritage of Shem and of his descendant Heber – the father of the Heber-ews – comes down to us especially through the righteous Prophet Abraham. Indeed, in mercy, he also prayed for the rectification even of the unrighteous citizens of Sodom. Genesis 9:26f; 10:22-25; 15:6f; 18:17-19; 18:24f.

Only in 1976 were the unearthed Tell-Mardikh tablets disclosed – at Ebla, in Syria. They date apparently from at least B.C. 2300. They preserve both of the ancient divine names ("Jehovah" and "Elohim") – and contain accounts both of Adam's creation and of Noah's great flood.

They also allude to both Heber and Abraham. They mention both Sodom and Gomorrah. Indeed, they describe in detail both mercantile treaties and international trade (emanating from the Near East).[25] See too: Genesis chapters 1 to 8; 10:24-25; 11:14-27f; 14:8-14f; 18:22f.

According to University of Michigan Archaeology Professor Dr. David Noel Freedman,[26] two tablets of this *Ebla Code* deal with case law. They reveal that the

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[25] See C. McIntire's *The Tell-Mardikh Tablets*, 1976, pp. 1-16 & esp. p. 8; and H.J. Carlson's *Biblical and Archaeological Research* in *Reports and Messages of the Tenth World Congress of the International Council of Christian Churches*, 1979, pp. 84f – both published by the Christian Beacon Press, Collingswood N.J.

[26] *Id*.

later great law codes originated not with the Babylonian Emperor Hammurabi, but earlier – *viz.* back in the time of Ebla – or perhaps even more anciently yet.

One of these two legal tablets, deals with damages to be awarded to injured parties. A blow inflicted by a hand, without a weapon, was worth five lambs. An injury caused by a weapon, was redeemed by the payment of fifty cattle.

The other tablet concerns illicit sexual relations with unmarried women. The *Code* provides that if a man had intercourse with a single woman who was not then a virgin, he had to pay a fine to her father or guardian. If the women was a virgin, the man went on trial. And if the trial determined that the woman had been forced and raped – the man was adjudged guilty, and sentenced to death. *Cf.*: Genesis 4:8f; 6:2-9f; 12:17f; 14:8-24; 34:2-7f; Exodus chapters 21 to 23; Deuteronomy 22:25-29; *etc*.

Dr. George A.F. Knight,[27] Professor of Old Testament History and Theology at McCormick Theological Seminary in Chicago, in his important book *Law and Grace*, explains that the Hebrews were a Semitic people. Their language and culture had developed in the 'Fertile Crescent' – stretching from Egypt northward, and eastward to Mesopotamia. However, not just the Mesopotamians but also the Aryan or Japhethitic Hittites of Central Anatolia (in the modern Turkey) had highly developed codes of law.

Even the more perverted and despotic Sumerian laws reflected in the later Babylonian laws of Hammurabi – like those of the Hamite Nimrod himself (Genesis 10:6-12 *cf.* 11:1-9) – can in the last analysis ground themselves only in Pre-Abrahamic Early-Semitic Law. It was from this that the Sumerians, progressively, later departed. Genesis 9:22-25; 10:6-12; 11:1-9.

The Ten Commandments among the postdiluvian patriarchs

After God repromulgated the covenant and again gave its dominion charter to Noah and his descendants since the flood (Genesis 9:1-9f *cf.* Hosea 6:7f), there is much evidence of man's ongoing knowledge of the Ten Commandments . This is so, even before their official **re**-announcement – through Moses, to Israel, on Mount Sinai.

The Pre-Mosaic Job knew nothing of Abraham (and just possibly lived and died before him). Yet all ten of God's Commandments were apparently well-known to Job – on the basis of his involvement with God's covenant with Job's ancestor Adam. See Job 1:1-5; 2:13; 19:25f; 31:1,33,40; Hosea 6:7f; *etc*.

Also Abraham **commanded** his children to "keep the way of the Lord, [and] to do justice and judgment." Genesis 18:19. Too, his son Isaac was reminded by God that Abraham himself "kept My charge – **My Commandments**, My statutes, and **My Laws**." Genesis 26:5.

Thus Jehovah Elohiym the Triune God revealed Himself to Abraham as the one and only Lord "God Almighty" (Genesis 17:1) – *cf.* the First Commandment. Later,

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[27] G.A.F. Knight: *Law and Grace*, S.C.M., London, 1962 (*in loc.*).

He caused (Isaac's son) Jacob to command his household to "put away...strange gods" or images (Genesis 31:19,30 & 35:2-4) – *cf.* the Second Commandment.

Furthermore, God swore by Himself to Abraham; and Esau was a profane person (Genesis 22:16; Hebrews 6:13f; 12:16) – *cf.* the Third Commandment. Indeed – Job, Jacob, Laban, Joseph, the Egyptians, the Pre-Sinaitic Israelites and possibly even Balaam of Mesopotamia all knew about the 'sabbatical' week (Job 1:4-6; 2:1,13; Genesis 29:27f; 31:23; 41:1-43; 50:10; Exodus 5:4-5; 7:25; 16:4-30; Numbers 22:5; 23:1,29) – *cf.* the Fourth Commandment. Too, Lot's daughters and Ishmael and Esau and Jacob all sinfully deceived or mocked their elders (Genesis 19:30-38; 21:9; 25:9; 26:34f; 27:21-24,35) – *cf.* the Fifth Commandment.

Abraham was not allowed to hurt Isaac; and Laban was warned by God not to harm Jacob (Genesis 22:12 & 31:24,29) – *cf.* the Sixth Commandment. Pharaoh, Lot's daughters, Abimelech and the Shechemites all recognized that adultery was sin. So too did Jacob and Judah and Joseph (Genesis 12:11-18; 19:30-38; 20:2-18; 26:9-10; 34:1-7; 35:22; 38:13-24; 39:7-9; 49:3f) – *cf.* the Seventh Commandment.

Rachel's theft and Joseph's being kidnapped, were both regarded as a transgression; and all of Joseph's brothers acknowledged that theft was wrong (Genesis 31:32; 37:28; 44:1-12; 45:3-5; 50:15-20) – *cf.* the Eighth Commandment. The lies of Abraham and Isaac and Jacob and Joseph's brothers were all reprehensible (Genesis 12:11,13; 20:2-9; 26:7; 27:24; 37:10) – *cf.* the Ninth Commandment. Indeed, Lot's greed almost cost him his very life (Genesis 13:10 & 19:15-24) – *cf.* the Tenth Commandment.

Beyond any doubt, then, all Ten Commandments were known also to the postdiluvian patriarchs. In great measure, though decreasingly so, the same is true also as regards their paganizing contemporaries.

The considerably-degenerated *Codex Hammurabi* of Babylonian Mesopotamia

In A.D. 1902 – some three-quarters of a century before the disclosure of the Tell Mardikh tablets in Syria's Ebla, suggesting a date of rather before B.C. 2300 for Abraham – the *Hammurabi Code* was discovered at Susa in ancient Elamitic Mesopotamia. Later, in A.D. 1928, Dr. J.H. Hertz – before the Society for Jewish Jurisprudence – presented a paper on *Ancient Semitic Codes and the Mosaic Legislation*. Dr. Hertz delivered it in London's Inner Temple,[28] the 'historic shrine' of British Common Law.

In 1938, Leiden's Professor Dr. Martin David[29] – the eminent authority on Ancient Babylonian and Assyrian Law – put Hammurabi's reign at B.C. *circa* 1955-1913. Then, writing in A.D. 1959, Chicago Law Professor Dr. Palmer D. Edmunds – in his

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[28] Thus Edmunds: *op. cit*., pp. 29f.
[29] M. David: *Hammurabi* (art. in A.M. Hyamson & A.M. Silbermann: *Jewish Encyclopaedia*, Shapiro Vallentine, London, 1938, pp. IX & 265).

book *Law and Civilization*[30] – described Hammurabi as a king who contemporary with Abraham.

However, in light of the later discovery of the Tell Mardikh tablets, we now know that Abraham antedated Hammurabi. Consequently, it can no longer be maintained that the 'Abrahamic' (*sic*) Mosaic Law "evolved" from the *Codex Hammurabi*. It must now be conceded that Hammurabi's Babylonian laws degenerated not just from Pre-Abrahamic Proto-Semitic Law – but perhaps even from the Laws of Abraham himself (or at least of his related contemporaries). Genesis 9:26f; 11:14-26; 14:1-13f; 18:18-19; 26:5.

Significantly, even Chicago's Professor Dr. Knight in his 1962 book *Law and Grace* – published **before** the discovery of the Tell Mardikh tablets – apparently dates the famous *Codex Hammurabi* more than a century **after** Abraham. That dating is quite remarkable.

Knight states[31] that the *Codex Hammurabi* consists of some three hundred carefully tabulated laws carefully incised on stone in the cuneiform writing of the day. Indeed, he denies that the great and justly famous lawgiver King Hammurabi of Babylon (eighteenth century B.C.) was even the first of the important Near Eastern lawmakers. Moreover, he adds that even the later Law of Moses – has many features in common with the **earlier** [laws] of the Fertile Crescent.

Especially since the finds at Tell Mardikh, however, it is clear that the 'lawgivers' Abraham and Isaac and Jacob were all earlier than the *Codex Hammurabi*. Genesis 18:18-19; 26:5; 28:13-22. Frankly, that *Codex* is a 'semi-hamiticized' degeneration of Proto-Semitic Law. That latter is preserved purely only as the Pre-Hammurabic Law of Abraham-Isaac-Jacob. Genesis 11:10-26f to 47:9f & 49:33. Indeed, that Proto-Semitic Law is (purely) expanded only in the Post-Hammurabic Law of Moses – which continued to unfold *dicta* precisely in the direction of the legal tradition of both Proto-Semitic and Proto-Japhethitic Law.

As Chicago Law Professor P.D. Edmunds indicates,[32] King Hammurabi of Babylon – was only a benevolent despot. He reigned for forty-three years, from B.C. 1945 to 1902. Edmunds thus places Hammurabi even later than did Professor Dr. Martin David. Moreover, Hammurabi's *Codex* clearly witnesses to its Babylonian origin. For it contains several references to witchcraft. As such, it evidences considerable degeneration from the purer Proto-Semitic and Proto-Japhethitic laws.

Dr. Edmunds explains that the *Codex* deals with the laws of witchcraft, evidence, and the duties and privileges of royal servants. It also describes tenure, rents, and cultivated lands; trade, commerce, and the deposits and prosecutions for debts. It further treats of family law, marriage, settlements, divorce, inheritance and adoption. Finally, it also discusses criminal law, slavery, and canal-care – as well as tariffs of wages for architects, surgeons and boatmen.

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[30] *Op. cit.*, p. 30.
[31] *Op. cit.*, p. 20.
[32] *Op. cit.*, pp. 30f.

The *Codex Hammurabi* evidences a very different society in Babylon than that then to be found among the Hebrews or the Japhethites. For it shows that the Babylonians were then stratified into definite castes – from the king at the top, right down to slaves at the bottom.

Very significantly, the *Codex* contains no laws for the king himself to observe. *Per contra*, the Mosaic Law in Deuteronomy seventeen. The *Codex* also gives very few laws regulating the priests. Again, *per contra*, the Mosaic Law's book of Leviticus.

For the Sumerian king, in the *Codex*, was a 'semi-divine' person who was 'above' the law – supposedly beyond good and evil. Thus the *Codex* demands that the king's bodyguard and grooms and gorgeously attired women – all be slain deliberately, after his decease and around his last resting-place.

Frankly, much of the *Codex* is gruesome. It places little value on human life. It also authorizes many mutilations – of eyes, ears, tongue and hand. It prescribes death for thirty-four different crimes – including every form of theft.

Sadly, the Babylonians influenced the Phoenicians. The latter – as the great international merchant-nation of antiquity – in turn transmitted some of these harsh values to Ancient Greece and Ancient Rome, which then got absorbed into their own laws.

The superiority of Hebrew Law to the *Codex Hammurabi*

However, Proto-Semitic Hebrew Law was significantly different from those Babylonian laws which later so influenced the pagan Greeks and Romans. Too, even in Pre-Christian times, Hebrew Law seems to have impacted upon Cornwall and other Celtic places – wherever Japheth and his Gomer-ites or Cimmer-ian *Cymr-i* dwelt in the tents of Shem. Genesis 9:27 & 10:1-5.

Also subsequently, the religion of Jesus Christ would export Hebrew Law to the very ends of the Earth. That would occur, soon after His incarnation, especially to those same British Isles. Isaiah 49:1-12f & Acts 1:8.

It should be noted that the Abrahamic and Mosaic laws – like the Japhethitic Hittite Code – are compensatory. The *Codex Hammurabi*, however, is vindictive.

With Abraham and Moses, the wrongdoer "shall pay as the judges determine" (Exodus 21:22f). In the *Codex Hammurabi*, however: "If a man has caused the loss of a freeman's eye, his own eye shall be destroyed."[33]

Again, to the Hebrews, also slaves were not things but legal **persons**. To the Babylonians, however – as also in later Roman Law – they were legally not persons but **things**.

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[33] *Codex Hammurabi*, clause 196.

Chicago's Professor Knight explains this. He rightly observes[34] that even in early times, the Hebrew view of the relationship that should obtain between master and slave – was to be one of respect between **persons**. See Genesis 15:2f; 17:18f; 18:19f; 21:12f; 24:2f.

For the slave too had been created as the image of God. The work of society must not go on at the cost of the exploitation of one Hebrew by another. Thus, an 'employer' could purchase not the person but only the labour of a Hebrew debt-slave – and even then, only for a period not exceeding six years. Exodus 21:2.

Moreover, the slave even had rights – by law – against his master. If a man smite his slave, explains Exodus 21:20, and he die under his hand – the master shall surely be punished. Again, if a man smite the eye of his servant...so that it be destroyed, the master shall let the slave go free – for his eye's sake. Exodus 21:26.

Knight concludes[35] that Ancient Israel possessed a legislation **unique** here on Earth. It is also significant that Jesus quoted from Deuteronomy more than from any other book. Deuteronomy 22:4 tells the ancient Hebrews not to turn a blind eye even to a neighbour's domestic animal that had collapsed. Jesus seems to apply this, at a higher level, in His parable of the good Samaritan – and also in His teaching regarding the unwell daughter of Abraham. Luke 10:26f & 13:15f. The apostle Paul does similarly – in First Corinthians 9:9f and First Timothy 5:17f.

This kind of legislation, explains Professor Knight, is not something that Israel is vaguely feeling after, in common with other nations. It is a revelation of the mind of God, now embodied in her statute book.

Indeed, Deuteronomy 23:7-8 forbids hatred even of one's ancestral enemy. Also the elements of hygiene are attributed to God's special revelation. Deuteronomy 23:12-14. Thus, the Law of Moses was not arbitrary – but salutary. Deuteronomy 6:4f *cf.* Leviticus 19:18.

Early-Hebraic government through confederated Elders

Now Abraham governed his large clan – in the bonds of the covenant. For Abraham commanded his children and his household of more than three hundred male servants and their families – to keep the way of the Lord, and to do justice and judgment. Genesis 17:10-27 *cf.* 14:14 & 18:19. Indeed, Abraham covenanted or became "confederate" with Lot and with Mamre – through ruling Elders. Genesis 14:13f & 24:2f *cf.* 50:7.

Abraham's son Isaac similarly covenanted with Abimelech, Ahuzzath and Phicol. Genesis 26:5,20-31. Isaac's son Jacob made a similar covenant or treaty with Laban and with Esau – and with Shechem and the Shechemites. Genesis 31:44-55; 32:9f; 33:8f,18f. Indeed, Jacob's son Joseph made similar agreements with the Egyptians and with his own brethren – and with "all countries" in the surrounding neighbourhood

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[34] *Op. cit.*, pp. 29f.
[35] *Op. cit.*, pp. 34f.

during the great international famine. Genesis 41:56f; 42:6f; 47:4f,20f and Psalm 105:17-22.

In that way, even the Egyptians derived their Elders from the antediluvian saints – and, quite possibly, *via* Abraham and Isaac. Hebrews 11:2-8f; Genesis 15:2-13f; 24:2f; 26:5f & 50:7. However, thereafter, the Egyptian senatorial government soon degenerated and stagnated into a tyranny of force and might. That was in stark contrast to the presbyterial commonwealth of the Hebrews, which was founded upon consent and right. See: Psalm 105:17-22; Exodus 19:7-8 & 24:3-14; Deuteronomy 5:22-29; Joshua 24:16-26.

That the Ten Commandments were only **re**-promulgated[36] to Moses on Mount Sinai in Exodus chapter twenty – and again some forty years thereafter in the 'Decalogue according to Deuteronomy' (chapter five) – surely needs no demonstration. Nor should it need demonstrating that even the later prophets all condemned breaches of each Commandment of the Decalogue. *Cf.* Isaiah chapters 56 to 59; Daniel chapters 3 & 6; Hosea chapter 6; Amos chapters 2 to 6; Malachi chapters 1 to 4; *etc*.

As Isaiah (8:20) states: "To the law and to the testimony! If they do not speak according to **this** word – it is because there is no light in them." And again (24:5) – "The Earth also is defiled under its inhabitants; because they [Earth's inhabitants] have transgressed the laws, changed the ordinance, broken the everlasting covenant."

Also Amos (5:21-24) insists: "Let judgment run down like waters, and righteousness like a mighty stream!" And Habakkuk (1:4) – "The law has been slackened and judgment never goes forth. For the wicked surround the righteous; therefore, wrong judgment keeps on coming forth."

However, the **Elders** were to uphold this holy Decalogue – and to make provision for the punishment of its transgression. For under the God-given Mosaic Laws, government was wielded especially through mature and competent ruling Elders – representing the people. Exodus 3:16; 4:29f; 5:6-15 *cf.* Deuteronomy 1:13.

These Elders alias Presbyters ruled locally, regionally, and/or nationally. They did so, through a theocentric yet concentric series of smaller and larger courts. Exodus 18:12-26; 19:5-7; Deuteronomy 1:13-15; 16:18; 17:5-l1; 19:15-21.

Such presbyterian government is found possibly as early as Adam (Hebrews 11:2-4), and certainly in the time of Abraham (Genesis 24:2). It was present remnantally, even in Ancient Egypt (Genesis 50:7) – and was powerfully articulated under Moses (Exodus 3:14-16; 4:29f; 5:6-15; 18:12-25 & Deuteronomy 1:13-16). It continues also in New Testament times (First Timothy 5:17f). Indeed, it persists even in glory – and, it would seem, also on the New Earth: for ever. Revelation 4:10f *cf.* 19:4 & 21:12f.

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[36] *Cf.* the word "remember" in Ex. 20:8. This suggests that the sabbath (and by implication also the remainder of the Decalogue) had *previously* been made known *before* Ex. ch. 20.

Modern Israel's Hebrew University Professor Dr. Gabriel Sivan is quite right about the unique place of ethnic Israel in Old Testament times. However, he is quite wrong as to why this was so.

It was not, as he proudly suggests, because of the moral superiority and racial genius of the Jewish people. To the contrary, the Old Testament paints an entirely different picture of the Ancient Israelites. Deuteronomy 7:7f *cf.* Ezekiel 16:3f. For God then chose them, **in Christ**, and endowed them with His Law – not because of their genius or piety, but in spite of their sinfulness. Indeed, it was God Who was then calling them to **become** pious in spite of their natural waywardness – in order to obey and to propagate His Law.

Yet many of Dr. Gabriel Sivan's other claims are correct. Thus, in his book *The Bible and Civilization*,[37] he declares that Israel's "just" society necessitated the development of a new system of government – begun under Moses, and continued under the Judges. Josephus, the great Jewish historian of Ancient Judaism – in his (A.D. *circa* 100) book *Against Apion* – uses a Greek term to describe this type of constitution: *theokratia*. That means – man's conscious attribution of all sovereignty to the hands of God alone.

Significantly, unlike certain other systems known in antiquity, the theocracy prescribed by the Mosaic Law was not a government by priests as opposed to a government by kings. Though indeed a government **through** elders and kings, it was regarded as being rather a government **by God Himself** – as opposed to being a government either **by priests or by kings**. Thus Dean Arthur Stanley, in his 1863 *Lectures on the Jewish Church*.

Also the U.S. jurist Oscar Straus, a close associate of President Theodore Roosevelt, stressed this point – in his study of America's indebtedness to the Hebraic concept. As Straus declared in his 1887 book *Origin of the Republican Form of Government in the United States of America*, the very fact that with the single exception of Eli no priest was ever elected to the magistracy during the entire period of the commonwealth – decidely negates any such interpretation.

Moses presented God's conditions to the elders of the people – God's conditions whereby they might function as the vehicles of His government in and over Old Testament Israel. At that stage, the Elders thereupon answered Moses: "All that the Lord has spoken, we will do" (Exodus 19:8).

Again, after his transmission of God's Commandments and their detailed precepts, Moses took the book of the covenant and read it out publically so that the people heard it. Then they said: 'All that the Lord hath spoken – we will do; and obey!'" Exodus 24:7.

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[37] *Op. cit.*, pp. 145f.

Law Professor Edmunds's remarks on the Eldership in the Book of Exodus

An extended explanation by Chicago Law Professor Edmunds[38] anent the legal significance of these Elders of Old Testament Israel, is helpful at this point. That the Israelites while in Egypt were under some definite discipline and regulations of their own, is to be inferred with certainty.

For, when Moses was first sent to deliver God's message to the people of Israel, he was directed to "gather the elders of Israel together." Exodus 3:16f *cf.* 4:29f & 5:14f. Again, when the people left Egypt – they did not go forth like a tumultuous rabble, but marched out as an organized army under regular leaders. Exodus 12:21-37.

Especially at and after their arrival in Midian – Exodus 18:12-21f (*cf.* Deuteronomy & 1:13-17 & 16:18f & 19:15f & 21:2-19f) – one discerns a division of powers established by Moses in such government as was possible under the nomadic circumstances of those Israelites during their progress through the desert after the exodus. Military command was assigned to Joshua (*cf.* Exodus 17:9 & 24:1-14). Priestly duties were in Aaron's province (Exodus 29:9 *etc.*). Moses himself assumed the responsibility for the civil government. Exodus 18:12-26, which narrates the colloquy between him and his father-in-law Jethro, is not only enlightening in this regard but also evidences the beginning of a true legal system.

Now the above-mentioned verses from the Book of Exodus need to be cited in full. They state: "Aaron came, **and** all the **Elders** of Israel....

"The next day it happened that Moses sat to judge the people; and **the people** stood by Moses from the morning to the evening. Then, when Moses' father-in-law saw all that he [Moses] did for the people, he said: 'What is this that you are doing for the people? **Why** do you sit alone – and **all the people** stand next to you, from the morning to the evening?'

"Then Moses said to his father-in-law: 'Because the people come to me, in order to inquire from God. When they have a case, they come to me. Then I judge between the one and the other. So I make them to know the statutes of God, and His laws.'" Exodus 18:12-16.

"However, Moses' father-in-law said to him: 'What you are doing, **is not good**. You will surely wear away – both **you, and this people** which is with you. For this matter is too heavy for you. You are not able to perform it, yourself alone. Now listen to my voice, and I will give you counsel – and God shall be with you!

"'You shall be before God, for the people – so that you may bring the cases to God. Then you shall teach them ordinances and laws, and shall show them the way in which they must walk and the work they must do.

"'Moreover, you shall provide from **out** of all the people – men of ability who fear God; men of truth who hate covetousness. Then place **such** men **over** them [the

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[38] *Op. cit.*, pp. 194f.

people] – to be Rulers of thousands, Rulers of hundreds, Rulers of fifties, and Rulers of tens. Then let **them** judge the people at all times. So it shall be that **they** shall bring every great case to you; but every small case, **they** shall judge. In this way it shall be easier for you yourself, and they shall bear the burden with you. If you shall do this – and God commands you so! – you shall be able to endure, and all this people also shall go to their place **in peace**.'" Exodus 18:17-23.

"Then Moses listened to the voice of his father-in-law, and did all that he had said. So Moses chose able men out of all Israel, and made them heads over the people – Rulers of thousands, Rulers of hundreds, Rulers of fifties, and Rulers of tens. Then they judged the people at all times. The hard cases they brought to Moses; but every small case they judged themselves." Exodus 18:24-26.

Law Professor Dr. Edmunds concludes[39] that this Biblical episode may well account etiologically for the institution of various kinds of courts – and the general idea of an Appellate Court – within Ancient Israel. See too: Deuteronomy 1:13-17; 16:19f; 19:15f; 21:2-19f. The beginning of all law courts in the human race as such, however, is found yet prior thereto in Genesis 9:5f – if not, at least embryonically, even earlier. See: Genesis 1:26-28; 2:17f; 3:15-19; 4:9-14. For all human government first roots in God Himself.

Judicial implications of the Eldership and its qualifications

It should be noted that Israel had Elders with **ecclesiastical** power also prior to the Exodus (3:16f; 4:29f; 5:14f; 12:21f; 18:12) – *cf.* Genesis 15:2 & 25:2 & 50:7. However, such Elders as were further elected to wield also **political** power soon after the Exodus – once Israel again became independent politically, and moved away from Egypt – needed further qualifications.

They had to be: "**able** men" in matters **politica**l – as well as **men "such as fear God**; men of truth; hating covetousness." See: Exodus 18:16-21 *cf.* Deuteronomy 1:13-15 & 16:18 and Judges 10:17 & 11:11.

Then "Moses came and called for the **Elders** of the people, and laid before their faces all these words which the Lord **commanded** him." Exodus 19:7. Thus, *via* Moses and to the **Elders**, God laid before the people **the Ten Commandments**. Exodus 20:1-17f.

This means that especially the **Elders** personally formerly needed to have been **keepers** of God's Ten Commandments – and, after their appointment specifically to political office, need to be public **implementers** of those Commandments **in the body politic**. Exodus 18:16-26 *cf.* 20:1-16f.

This latter required them to enact and/or to execute godly laws and statutes in the land. Such law were to be those: against idolatry (Exodus 20:23f); regulating various personal services (21:2-6); sanctifying marriage (21:7-11); protecting life and limb

[39] *Op. cit.*, pp. 194f.

(21:12-36); protecting property and punishing theft (22:1-30); prohibiting slander (23:1-7); promoting sabbath-keeping (23:9-17); and regulating worship (23:17-19).

The 'decalogical' covenant thus continued among the Israelites – long after their exodus. "So Moses...took the book of the covenant and read [it] in the hearing of the people. Then they said: 'Everything the Lord has said, we will do and obey!'" Exodus 24:7, *cf.* 20:1 to 24:4.

Declared God Himself: "Behold, I make a covenant.... Then the Lord said to Moses: 'You write these words! For it is according to the tenor of these words that I have made a covenant with you and with Israel.'" Exodus 34:10 & 27 – *cf.* vv. 6,7,12,15.

Thus, God's blessings would be bestowed upon the obedient. And His curses would be imposed upon the stubborn. Leviticus 18:4f; 26:3f,25; Deuteronomy 11:26f; 28:2f,15f.

Hear then the Law of God: "The one who sacrifices to any god except only to Jehovah, shall be destroyed utterly! You shall neither vex nor oppress a stranger! ... You shall not afflict any widow or orphan! If you afflict them...My wrath shall get hot. Then I will kill you with the sword; and your wives shall be widows, and your children fatherless." Thus: Exodus 22:20-24.

God gave His Decalogue – written on tablets of stone by His very own finger – to all of the people. Exodus 24:12 & 31:18. Indeed, as the modern German jurist Werner Schilling rightly remarks in his book *Religion and Law*:[40] "In Deuteronomy 19:10f, the covenant people are warned against allowing murders to be committed in their midst – inasmuch as Jehovah holds the entire people responsible to make atonement for it." *Cf.* too First Corinthians 10:21-22.

Now only some ecclesiastical Elders were also forensic Judges. Exodus 5:14f; 12:12-21; 18:12-25; 21:6-22; Numbers 11:16f; Deuteronomy 1:13-16; 16:18f; 17:8-12; 19:12-17; 21:2f. The causes of **all** of the litigants had to come before those Judges. Exodus 22:9 *cf.* Deuteronomy 25:1f. Where that did not occur, a miscarriage of justice was perpetrated.

In that regard, Jesus rebuked the unrighteous Pharisees: "You **should** make a righteous judgment!" John 7:24. Shortly thereafter, in John 7:47-51, also Nicodemus searchingly reminded them: "Does our law judge anybody **before it hears him**, in order to learn about his deeds?" No!

Also, in order to expedite the above, all cases were to be decided in **open** court. Numbers 35:30; Deuteronomy 16:18 & 17:6-8; Ruth 4:1-11f; Amos 5:15; Zechariah 8:16; Matthew 10:18-27 & 18:16-17; Luke 8:16-18; John 8:17-20; Acts 21:40 to 22:22; 22:30 to 23:7; 23:35 to 24:9f; 25:14-18; 25:23-27; Second Corinthians 13:1-10 & First Timothy 5:19-20. For the trial should not just **be** fair; it should also **be seen** to be fair. See: Second Samuel 15:4-6; Psalm 72:2f; Acts 23:2f. This means, *inter alia*,

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[40] W. Schilling: *Religion and Law*, Haushahn-Kohlhammer, Schorndorf, 1957, p. 27.

that the party accused must be entitled to confront his accusers – and to get them too cross-examined, publically, within the courtroom itself. Acts 23:35 & 25:16.

As regards witnesses, ordinarily two were needed – to testify under oath. Job 9:20; 15:6; 19:20; Numbers 35:30; Deuteronomy 17:6; 19:15-18; Matthew 26:60f; Luke 19:22; Acts 5:2-11; Second Corinthians 13:1f; First Timothy 5:19; Hebrews 6:13-20; 10:15-28f.

Indeed, also at Common Law, testimony was not received from anyone in a court of justice – save under oath. See the 1809 Connecticut case *Curtis* v. *Strong*.

In the District of Columbia, in 1866, the oath ran: "Do you solemnly swear on the holy Evangely of Almighty God, that the evidence you will give in the case now on trial shall be the truth, the whole truth, and nothing but the truth, so help you God?" See the testimony of Judge Barnard in the 1914 *Washington Law Report* (at 771f).

The initial verdict was, of course, appealable. Exodus 18:22f; Deuteronomy 1:16f; 17:8f; Second Chronicles 19:6-8f. Nevertheless, final judgment in the matter was to be reached speedily. Ezra 7:26. It was not, however, to be delivered on a sabbath. Numbers 15:32f. As Mr. Justice Turk held in the 1929 New York case of *People* v. *Mantel*: "Under the Common Law, no judicial act ought to be done on the sabbath." So too in the 1931 New Jersey case of *Van Bueren* v. *Commissioners of Wildwood*.

Further. The law is to be impartial. Malachi 2:9. It is not to discriminate in favour of the homeborn. Exodus 12:49; Leviticus 24:22; Numbers 9:14; 15:15f. It is not to advantage only certain persons. Leviticus 19:15; Deuteronomy 16:19; Proverbs 24:23; Amos 5:12; Acts 10:34; James 2:1-13. Everyone is to be judged only according to his own works. Proverbs 24:12; First Peter 1:17; Revelation 20:12.

Each is to be acquitted "according to the cleanness of his hands." Second Samuel 22:21. Those who "work righteousness" are to be commended. Psalm 146:8 *cf.* Acts 10:35. For "the law is in the heart of a righteous man." Psalm 37:11. It is "written not with ink but with the Spirit...in the fleshly tablets of the heart." Second Corinthians 3:3. "By nature" even "the heathen" have "the work of the law written in their hearts." Romans 2:14f. For "the spirit of man is the candle of the Lord – searching all the inward parts of the belly." Proverbs 20:27.

Multiple socio-political implications of the Decalogue

Here, especially the Fifth Commandment is of central importance. "Honour your father and your mother – so that your days may be long in the land," and so "that it may go well with you in the land." Exodus 20:12; Deuteronomy 5:15; Proverbs 22:6; Matthew 15:4-9; Ephesians 6:1-4. This clearly requires a family-centred system of economics, education, government and social security. It also has all kinds of legal, political and even sociological implications.

Proverbs 22:6 enjoins all parents to catechize or train their child in 'The Way' (*viz.* of the Decalogue) in which he should go – so that, on attaining adolescence, he will not depart from it. In that regard, Judge Campbell cited Proverbs 22:6 in the 1937 Oregon case *in re Schein*. He then added: "It is common knowledge that those who

are taught to respect parental authority in their early years, also conform to the laws of the land and the [godly] conventions of society throughout their adult life."

It should not be necessary to point out that the Sixth Commandment of the Decalogue prohibits only wilful murder (in thought and word and deed). For it does not prohibit the non-murderous killing of human beings where justifiable (such as in a war of self-defence or by way of capital punishment).

As the Hebrew University's Israeli Dr. Gabriel Sivan rightly indicates,[41] the Sixth Commandment – which the world still mistakenly translates as 'thou shalt not kill' – is actually a prohibition of wilful killing or **murder**. In Hebrew, *lo tirtsach* [is] from the root *r-ts-ch* – meaning: to murder or slay culpably. Exodus 20:13.

Hence, this does not at all prohibit the imposition of the death penalty upon convicted murderers. Quite the contrary. For the Sixth Commandment actually **requires** capital punishment for certain crimes. Certainly it is indeed a heinous crime to murder a man, alias the image of God. However, one may well ask how much of God's image remains in a murderer. Thus, his execution after trial does not constitute a transgression of but rather obedience to the Sixth Commandment. Genesis 9:5-6.

According to R.D. Hitchcock's *Topical Bible* (XVIII:4:50-75), Holy Scripture makes it clear that God's ancient people **publically consented** to adopt the government and *Code of Moses*. Exodus 24:3 & Deuteronomy 5:27f. Indeed, they thereby entered into a **political compact** with one another – to uphold also the death penalty in respect of proven adultery, bestiality, blasphemy, homosexuality, murder and rape *etc*. See: Exodus 21:12f & 22:19; Leviticus 20:10-15 & 24:17,23 and Deuteronomy 22:22-27 *etc*.

The crime of murder itself clearly **merits** the death penalty. Genesis 9:5-6. As Judge Addison pointed out in the 1793 case of *Pennsylvania* v. *Bell*: "In all or almost all nations, blood has been demanded for blood." Indeed, in the 1922 North Carolina case of *State* v. *Wingler*, Judge Stacy held that when guilty – a "defendant ought to welcome an opportunity to expiate his crime and to make some atonement for it." *Cf.* Luke 23:41 & Acts 25:11.

However, it is **not only murder** which merits the death penalty. So too does **kidnapping**. Exodus 21:16 & Deuteronomy 24:7. So too does **rape**. Genesis 34:2-26 & Deuteronomy 22:25-29. For kidnapping – murders the parents' ability to protect their child. And rape – murders a woman's honour. Thus too the great Lord Chief Justice Sir Matthew Hale. Also see the verdict of Judge Traynor in the 1942 California case of *People* v. *Putnam*.

In the United States of America – as late as 1932 – most States rightly inflicted capital punishment on convicted murderers, kidnappers and rapists. 38 *Case & Comment*, II:2. Precisely because the judgment must be according to **law** – it must **therefore** be "without mercy." Deuteronomy 10:13-21 & 25:12 *cf.* Hebrews 10:28.

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[41] *op. cit.* p. 141.

For sympathy has no place in criminal prosecution. Thus, Chief Justice Kelly in the 1942 Oregon case of *State* v. *Wallace*. So too in the 1943 California Appeal case of *People* v. *Lanigan*. There, it was rightly stated: "It is the duty of the courts...to mete out justice to all; not to do injustice to the accuser and afford a picnic to the accused."

Yet murder, kidnapping and rape are just a few of the very many ways in which God's Ten Commandments can be broken. The entire Decalogue, in its order of sequence, was and is enshrined in legislation given for the political government of Old Testament Israel. Indeed (at least as regards its 'general equity') – it was given also for the political government of **every** nation, even **today**.

Thus the Eighth Commandment ("you must not steal!") – positively requires hard work, careful investments and religious generosity. Exodus 20:15; Luke 3:11-14; Romans 13:9; Ephesians 4:28. Each should eat the labour of his own hands. Psalm 128:2. Every man should enjoy the good of his own labour. Ecclesiastes 3:13 & 5:18 *cf*. 9:9f. Indeed, "the farmer who labours – must be the first partaker of the fruits." Second Timothy 2:6.

"Now these are the commandments, the statutes and the judgments which the Lord your God commanded to teach you, that you should do them." Deuteronomy 6:1. Thus all Ten Commandments, in Deuteronomy 5:6-22.

Thus the First Commandment, in Deuteronomy 6:1 to 11:32. Thus the Second Commandment, in Deuteronomy 12:1 to 13:18. Thus the Third Commandment, in Deuteronomy 14:1-29. Thus the Fourth Commandment, in Deuteronomy 15:1 to 16:17. Thus the Fifth Commandment, in Deuteronomy 16:18 to 18:22. Thus the Sixth Commandment, in Deuteronomy 19:1 to 22:12. Thus the Seventh Commandment, in Deuteronomy 22:13 to 23:14. Thus the Eighth Commandment, in Deuteronomy 23:15 to 24:22. Thus the Ninth Commandment, in Deuteronomy 25:1-19. Finally, thus also the Tenth Commandment – in Deuteronomy 26:1-19.

The Mosaic Law itself makes the aforegoing theocratic and anti-tyrannical provisions. They were prescribed not only for Old Testament Israel – but, at least as to their general equity, also in order to prepare for and to govern the operation of the Christian Church as the ongoing Commonwealth of Israel even in Post-Mosaic times. Romans 2:29; 11:11-32; Galatians 6:16; Revelation 2:9-14; 3:7-12; 21:2-26; 22:16f.

Indeed, also the hardly-orthodox U.S. President Woodrow Wilson went even further. In a moment of unusual insight, he rightly said that the laws of Moses contributed suggestions and impulse to the men and institutions which were to prepare the modern world.[42]

John Owen on the permanent political implications of the Mosaic Law

At the time of the Westminster Assembly, the famous English Puritan divine and perhaps the greatest British theologian of all time, Rev. Dr. John Owen, addressed

[42] Thus Edmunds: *op. cit*., p. 205.

these matters. "The institutions and examples of the Old Testament regarding the duty of magistrates," explains Owen,[43] "are not in their **whole** latitude and extent to be drawn into rules that should be obligatory to all magistrates now under the administration of the Gospel."

However, he then continues: "Yet doubtless there is **something moral** in those institutions which, being unclothed of their Judaical form – **is still binding to all** in the like kind, as to some analogy and proportion. Subduct from those administrations what was proper to and lies upon the account of the church and nation of the Jews – and what remains upon the general notion of a church and nation, **must be everlastingly binding**."

Owen elaborates on these Mosaic judicials at some length in his famous *Commentary on Hebrews*. There, he explains[44] that the judicial laws had "penalties annexed...unto the transgression...as men by God's institution and appointment were enabled to inflict.... There were officers who attended the service of the whole people as to the execution of justice and order, called *shoterim*..., Exodus 5:14 ['officers']..... They are afterwards distinguished from the elders [or 'judges' (*shofetim*)], Deuteronomy 16:18." The latter text "**contrasts** such *shofetim* with these other 'officers' (*shoterim*)."

Thus, "there are two sorts of persons mentioned that were over the people in respect of their works, even in Egypt – *hannogeshim*, and *shoterim* – 'exactors' or taskmasters, and 'officers' [alias elders]. Exodus 5:6.... 'The *nogeshim*, the Jews say, were Egyptians; and the latter, or the *shoterim*, Israelites.... And they tell[45] us...that one of these *nogeshim* [or political 'taskmasters'] was over ten of the Israelitish officers [or elders], and one of them [the elders] over ten Israelites." *Cf.* too Exodus 18:12-21f.

Continues Dr. John Owen: "After their coming up out of Egypt, during their abode in the wilderness, Moses presided over them with all manner of authority – as their lawgiver, king, and judge.... By the advice of Jethro, he took in others unto his assistance, Exodus 18:13-26.... In the wilderness the body of the people was cast into a new distribution of thousands, hundreds, fifties, and tens – all [of] which had their peculiar officers [heads (*ra'shim*) or rulers (*sjarim*)] chosen from amongst themselves. Exodus 18:25; [19:7f; 24:1-14;] Deuteronomy 1:13-15."

Now "God, in sundry cases" – Owen goes on – "appointed that some transgressors should be separated from the congregation." The possessions of such transgressors should all be "devoted to destruction; and [the transgressors themselves should be] cut off. [Of this], "An instance...we have [*e.g.* in] Ezra 10:7-8. 'They made proclamation...that they should gather themselves together.... Whosoever would not come..., according to the counsel of the princes [*sjarim*] and the elders [*z^{e}qeenim*] – all his substance should be devoted [or confiscated], and he himself separated from the congregation of those that had been carried away'....

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[43] J. Owen: *Works*, Banner of Truth, London, 1967, VIII, p. 394.
[44] J. Owen: *Commentary on Hebrews*, Exercitation XX:1-6 & XXI:13-17 & XXI:26-30.
[45] In *Midrash Rabba* on Exod. sect. 1.

"A double penalty is here threatened upon disobedient persons. The one concerned the **person**.... 'He shall be separated from the congregation'.... This was the *niddui* or expulsion from sacred communion.... He should be esteemed as an heathen [*cf.* Matthew 18:17]. Secondly, as to his **substance**..., his goods and possessions should be 'ana-thema-tized' [*cf.* Romans 9:3] – 'devoted'; put under *cherem*; taken away for sacred uses."

Owen then concludes: "Civil penalties...were of three sorts. First, corporeal; secondly, such as respected the outward estate and condition of the offender; thirdly, capital.

"Corporeal punishment was that only of stripes, not exceeding the number of forty, Deuteronomy 25:2-3.... Many crimes, doubtless, rendered persons [subject or] obnoxious to this penalty [*cf.* Second Corinthians 11:24] in the Law.... The Jews now reckon up [to] seven instances of unlawful [though non-adulterous] copulation with women free and unmarried [*cf.* Deuteronomy 22:25]. For adultery, as is known, was capital – by the express sentence of the Law [*cf.* Deuteronomy 22:22]."

"Secondly, punishments respecting state [alias status] and condition – were of two sorts. 1. Pecuniary, in a quadruple restitution in case of theft [*cf.* Exodus 22:1]. 2. Personal, in banishment or confinement...for him that had slain a man at unawares, Numbers 35:25.

"Thirdly, capital punishments they inflicted...on...: 1, adulterers; 2, strikers of parents; 3, man-stealers [alias kidnappers]; 4, old men exemplarily rebellious against the Law; 5, false prophets; 6, prognosticators by the names of idols." The death penalty, adds Owen, was also awarded in respect of certain other crimes.

Thus, Owen explains, capital punishment was to be applied against "those convicted of: murder; idolatry; adultery; homosexuality; bestiality; blasphemy; idolatry; making sacrifices to Moloch; consulting with familiar spirits; imposture; seduction; magic; sabbath profanation; cursing parents; and incorrigible deliquency.... Unto the execution of these penalties there were added two cautionary laws. First, that they who were put to death – for the increase of their ignominy and terror of others – should be hanged on a tree (Deuteronomy 21:22). Secondly, that they should be buried the same day (verse 23)."

John Owen's above-mentioned views followed by Zahn, Bergema, and Van Ruler

So, according to the seventeenth century's Rev. Dr. John Owen – probably the greatest British theologian of all time – the Holy Bible knows of twenty-one kinds of capital crimes. Sadly, by the beginning of the nineteenth century – with the rise of Statism especially since the ungodly eighteenth-century French Revolution – the number of crimes since then treated as capital, in progressively dechristianizing Europe alone, was **more than <u>ten times</u>** that specified in the Bible!

Contrary to Holy Scripture, particularly many of the more **severe** cases of **theft** were until just before the French Revolution punished with **death**. Indeed, even lesser thefts – equally unbiblically – were then being punished with far greater severity than

the fourfold restitution required by Holy Writ (Exodus 22:1 & Luke 19:8). See H.L. Hastings's book *The Wonderful Law*.[46]

Only in 1832 was the death penalty rightly repealed as a punishment for certain cases of theft. Since then, however – by way of **over-reaction** to capital punishments merited by certain truly heinous capital crimes – the pendulum has in fact swung far too much toward extreme leniency. What is now needed today, is a re-institution of **Biblical** laws and – properly interpreted – of **Biblical** penalties.

It is interesting that in the 1913 Missouri case of *Benton* v. *St. Louis*, Judge Lamm insisted that Deuteronomy 22:8 is legal authority for requiring guard rails on sidewalks alongside of deep excavations or on stairways. Also many modern theologians would agree with this assessment. Thus, for example: Zahn, Bergema, and Van Ruler.

The famous German New Testamentician Rev. Professor Dr. Theodor Zahn (d. 1933)[47] wrote that the righteousness of the Law is established in our flesh by the Spirit (Romans 8:4 and 3:31). Christian morality is nothing other than the spiritual Law of Moses as renewed by the Spirit of Christ.

The modern Dutch missiologist Bergema observes in his book *The Old Testament and Missions*[48] that the entire Mosaic Law, the entire Pentateuch – as these are described in the Old Testament – are so inwardly connected with the Decalogue, that the latter cannot be isolated from their company. The Mosaic Law has typical significance for all political and cultural and missionary work.

The great Rev. Professor Dr. A.A. Van Ruler, in his famous essay *The Meaning of the Mosaic Law*, declares[49] that the whole of existence proceeds from the *Torah* [or Pentateuch]: marriage, sexuality, property, law, punishment, government, *etc*. If the life of the individual and of society is to be arranged in accordance with the knowledge of the Lord and His salvation and His Law, we will have to apply the Mosaic Law and to impose it upon the nations of the earth.

In the Mosaic Law, continues Van Ruler, the death penalty applies even to homosexuality. We cannot do this right now. Our society does not tolerate that divine holiness. But we may not say that we are too civilized to do this. We would do better to lament about the level of unholiness of our own society.

In his other book *The Fulfilment of the Law*, Van Ruler shows the comprehensive impact of the Pentateuch on pagan culture – *via* the 'Great Commission' in Matthew 28:19. He explains that the apostolic task of christianizing the nations therefore immediately affects the civil law, the economics, and the sociology of the heathen. Even though the Mosaic Law can be introduced only to a certain extent according to the times and opportunities available, the principles and basic guidelines of the civil parts of the Mosaic Law would be directly transferable to a christianized society. The

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[46] H.L. Hastings: *The Wonderful Law*, Scriptural Tract Repository, Boston, 1888, pp. 37f.
[47] Zahn, as cited in F.N. Lee's *Christocracy* (Jesus Lives, Tallahassee Fla., 1978, p. 5, n. 56).
[48] *Idem*.
[49] A.A. Van Ruler: *The Meaning of the Mosaic Law*, (in his *Theological Works*, Callenbach, Nijkerk, 1969, I p. 143).

christianization of the State and of society and of culture – adds Van Ruler – is a dream which zealously and lovingly consumes the heart of everyone who knows the Lord.[50]

One should of course make due allowance for the peculiarly-Israelitic nature of some of the Mosaic Laws (as regards their place and time in the economy of the whole history of redemption *etc.*). Nevertheless, the unchanging general equity contained therein – to be determined chiefly by God's Moral Law itself – continues to bind all nations in all times. See *Westminster Confession of Faith* 19:4-7.

The Mosaic *lex talionis* always compensatory and never vindictive

We now need to say something about the *lex talionis*: 'an eye for an eye' and 'a tooth for a tooth.' Contrary to dispensationalistic opinion, this principle is not just Mosaic and merely national. Nor is it temporary. It is Noachic, universal, and permanent. God already enjoined it to the Pre-Mosaic Noah **and his descendants** – to Noah as a kind of 'second Adam' (and the immediate ancestor of everyone now alive).

For, already right after the great flood, God said to "Noah **and his sons**: "I will surely requite your blood of your lives! At the hand of every beast, I will requite it – and at the hand of man. At the hand of every man's brother, I will requite the life of man. Whosoever sheds man's blood, by man shall his blood be shed. For in the image of God, He made man. So you – be fruitful and multiply!" Genesis 9:1,5-7.

For that matter, God had said almost as much even to the first Adam – as the original ancestor of the entire human race – and, in him, to **all his descendants**. Thus "God created man...**male and female**...and God said to **them**: 'Be fruitful and **multiply**, and fill the earth, and subdue it.... But of the tree of the knowledge of good and evil, you shall not eat of it. For in the day that you eat of it, **you shall surely die**.'"

Adam did. Eve did. So too did all their descendants. That is why Adam himself also acknowledged that "a man shall leave his father and his mother, and shall cleave to his wife." That is why not just he (and his wife) but also all of their descendants die and then return to dust. Genesis 1:27f; 2:17,24; 3:19; 5:1-5. "Death passed upon all men, for that all have sinned." Romans 5:12. For the *lex talionis* operates. Indeed, it should always operate in all matters of Criminal Law – without respect of persons.

Unfortunately, however, the perception of this fine and fair principle of retaliation much degenerated – in varying degrees – among the different descendants of Noah, after God's destruction of the tower of Babel. Yet at least traces of the original divine institution are still preserved in every society on Earth.

For the members of and the sojourners within the nation of Ancient Israel alias the Old Testament Visible Church around B.C. 1440, the inspired Moses re-emphasized the *lex talionis* in a way perfectly pleasing to Almighty God. Explained Moses: "If men fight together, and one smite the other with a stone..., he [the smiter] shall **pay**

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[50] A.A. van Ruler: *The Fulfilment of the Law*, Callenbach, Nijkerk, 1974, pp. 291,523,532f.

for the loss of his [the smitee's] time – and shall cause him to be healed thoroughly.... He shall pay, as the judges determine." Exodus 21:18-21.

Notice that the remedy is not for the smiter himself to be smitten with a stone. The remedy is for the smiter to be forced to give **monetary** compensation to the one smitten – to pay for the latter's medical expenses; to make good his loss of earnings while injured; and also to pay whatever further compensation the judges might deem meet.

Again: "If men fight, and hurt a pregnant woman so that her *foetus* depart from her – yet no mischief [or damage] follow – he shall **pay** as the judges shall determine. But if any mischief follow, then you shall give: life for life; eye for eye; tooth for tooth; hand for hand; foot for foot; burning for burning; wound for wound; stripe for stripe!" See Exodus 21:22-25.

How then does one properly pay back 'an eye for an eye' *etc*? Obviously, this should be assessed very severely: especially wherever an aggressive two-eyed smiter very deliberately puts out the one and only eye of a peaceful one-eyed smitee. Yet surely the matter should be assessed by the judges much less severely – wherever a peaceful one-eyed smiter, in self-defence, accidentally puts out one of the two eyes of an aggressive two-eyed smitee.

Clearly, these different situations call for a very equitable and indeed also for a **monetary** compensation – after careful assessment of all the facts by impartial and wise judges. Totally to blinden a peaceful one-eyed accidental smiter (by going and putting out his one eye just because he unintentionally had put out one of the two eyes of an aggressor) – is a barbarously cruel and indeed also an unusual punishment!

In Old Testament Israel, matters were **never** so remedied at law. We return to the example of the pregnant woman who got hurt while two men were fighting. At least in the case of an accidentally-smitten pregnant woman, where no mischief followed the hurt caused was compensated not by inflicting a somewhat similar physical hurt against the fighting man who caused the injury – but by enforcing such a commensurate and suitable **monetary** payment by him to the woman or to her husband, as not the smitee but the **judges** were to determine (in equity). Exodus 21:22f.

Indeed, in the above case, there is absolutely no way a physical hurt entirely **similar** to the one he **unintentionally** inflicted on the pregnant woman **could** possibly be inflicted on the unimpregnatable man who smote her. Nor **could** any possible physical **counter**-hurt in any way be **un**-intentional. Therefore, the appropriate original penalty here must by very necessity have been a non-physical penalty – such as by way of the prescribed **monetary compensation**.

Probably the same was true – though with a more severe sentence – even if mischief did follow. In other words, if the fighting man accidentally put out the woman's eye – the remedy was not that his own eye should be put out deliberately. No! The remedy was rather for the judges to order him monetarily to compensate the woman or her husband – with an **amount** deemed to be **commensurate** to the loss of her eye.

Of course, if the man knew the woman was pregnant and **deliberately** hit her in her womb so that either she or her unborn infant died – that would be **murder**. There, the death penalty would be appropriate against the smiter – as too in the case of all murderous and deliberate abortionists today. Genesis 9:5-6 & Exodus 21:15-23.

The Mosaic law of retaliation also deals with such masters as cruelly smite their debtors who have been assigned to serve them without pay as their slaves for a maximum of seven years in order to work off the incurred debt. Here, the *lex talionis* continues: "If a man smite the eye of his male slave or the eye of his female slave so that it perishes – he shall let him [or her] go free, for the eye's sake. And if he smite out his male slave's tooth or his female slave's tooth, he shall let him [or her] go free – for the tooth's sake." See: Exodus 21:26-27.

Here too, the remedy is not to put out the eye or the tooth of the smiter. Whatever **other** monetary penalty he might **also** be subject to – for his cruel deed, he was to be required at the very least to liberate his seven-year debt-slave forthwith. Indeed, because the slave "is his **money**" – the compulsory liberation of his slave after being mistreated thus, was in itself at least in part a suitable penalty against that deliberate slave-smiter. Exodus 21:21.

Once more: "If an ox were wont to gore with his horn in the past, and this had [previously] been testified to the owner; but he had not kept it in, and it then killed a man or a woman – the ox shall be stoned, and its owner also shall be put to death. If there be laid on him a sum of **money** [in cases where the ox had only injured but not killed somebody] – then he [the owner] shall give for the ransom...whatsoever is **laid** upon him" by the judges.

"If the ox shall gore a manservant or a maidservant, he [the ox's owner] shall give to their master thirty shekels of **silver**.... And if a man shall open a pit...and an ox or ass fall therein – the owner of the pit shall make it good, and give **money** to the owner of them. And if one man's ox hurt another's ox so that it die – they shall sell the live ox and divide the **money** for it. Then they shall also divide the dead ox." Exodus 21:29-35.

Throughout then, as regards the inerrant Mosaic Law, the emphasis in the *lex talionis* was never upon cruel and unusual punishments. While graver crimes indeed merited additional punishments (and sometimes even the death penalty), the stress was always upon adequate **monetary** compensations. However, even physical violence might well be threatened by the **court** – in the event of non-compliance with its orders that **monetary compensations** be paid.

It is important to note that not the person wronged but only the judicial court itself was to determine the appropriate compensation. Exodus 18:12,21; 21:6,22,30; 22:8,9,28. The judiciary was to be independent even of its appointer – precisely so that fair trials could be ensured. This also implied the important principles of: (1), innocent till proven guilty; (2) due process of law; (3) a minimum of two competent witnesses personally to confront the accused; and (4) impartiality of judges. Exodus 23:1-3; Deuteronomy 19:15-21; Second Chronicles 19:5-7.

The pre-monarchical confederated Mosaic Commonwealth

Mamre and others "were confederate with Abram" – while yet distinct from Abram. See: Genesis 14:13. Too, later, also each of the twelve Hebrew tribes – though united – also remained discrete.

Indeed, just like the several Divine Persons within the **Confederacy** of the Triune God to Whom they then all gave allegiance, each of those twelve distinct tribal "States" within the Ancient Israelitic Commonwealth was sovereign in its own sphere whenever facing the other eleven States – and likewise also whenever facing Old Testament Israel's National Government. Exodus 3:14-16 & 18:12-21 & 19:5-7f & 20:1-18f; Numbers 11:16-30 & 32:1-33f & 36:1-7; Joshua 1:1-16 & 7:14-25; Judges 8:1-3; 11:1-11; Second Samuel 2:1f; First Kings 11:30-33; 12:1-24; First Chronicles 4:41-43; 5:18-23.

Yet the twelve States of Ancient Israel were compacted together into but one (Con)Federal Commonwealth. See: Second Samuel 5:1-10; First Chronicles 11:1-9; 12:23-40; Psalms 68:26-27; 80:1-2; 122:3-6. So too, all of the many equally important and sphere-sovereign towns within each State, each with its own autonomous local government, were in turn confederated together. For each operated within the larger tribal context of the same State government. *Cf.* Micah 5:1-2 with Joshua 15:1-62.

According to the book *The Hebrew Republic* by Rev. Dr. E.C. Wines (D.D. & LL.D.),[51] in Old Testament Ancient Israel each State as well as the Federal Government itself also had its own antityrannical and bicameral legislature. Exodus 24:1-3 & First Chronicles 28:1. Thus, there was an Upper House alias a 'Hebrew Senate' – representing the twelve tribal regions. In addition, there were twenty-four priests from the tribe of Levi, and two scribes or lawyers from each of the twelve tribes. Numbers chapters 1 to 2; 10:4; 11:16-26; 13:3f; 17:3; chapter 23; Deuteronomy 1:23; Joshua 22:12-16; 24:2; Nehemiah 9:38f.

There was also a Popular Assembly or 'Hebrew Commons' – a 'House of Representatives.' This latter represented the masses – through Elders-over-thousands, themselves chosen from Elders-over-hundreds who had been elected from Elders-over-tens. See: Exodus 18:21-26; 19:3-8; Numbers 10:2-3; Deuteronomy 1:23-27; 29:9-13; Joshua 8:30-35; 23:2; First Samuel 11:14f; First Chronicles 13:1-4; Nehemiah 8:1f.

Especially the Presiding Officer of the entire Commonwealth, in governing the entire nation, was to rule under the Law of God. He was elected under God's providence, and with the consent of the Elders. Deuteronomy 17:16; First Kings 12:6-11; First Chronicles 11:3; Second Chronicles 10:8f. In that capacity, he was then the privileged human tool of the God of that Law.

God Himself forewarned the Old Testament Israelites: "When you come into and take possession of the land which the Lord your God shall give you, and when you live there – you will say '**I** want to appoint a Presiding Officer like all the [**other**] surrounding nations!'" However, **instead**, "you must certainly appoint **that** one as

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[51] E.C. Wines: *The Hebrew Republic*, American Presbyterian Press, Uxbridge Ma., 1980 rep.

your Presiding Officer whom **the Lord your God shall choose** [**theocratically**]." For Ancient Israel was not to choose her Presiding Officer either in the 'auto-cratic' or alternatively in the 'mob-ocratic' way the surrounding pagans did.

"You shall appoint one from among your brethren as your Presiding Officer. You may not appoint over you[rselves] – a stranger who is not your brother.... He shall not multiply horses for himself – **nor cause the people to look backwards** [nostalgically, rather than to look forwards optimistically and postmillennially].... Neither shall he multiply wives for himself, lest his heart turn away. Neither shall he greatly multiply silver and gold for himself. But when he sits down to rule his country, **he** shall **write** for **himself** – in a **book** – a copy of **this Law**.... Then, that shall be with him....

"He shall read from it all the days of his life, so that he may learn to fear the Lord his God – to keep all the words of this Law, and to do these Statutes. In this way, his heart shall not be lifted up above his brethren – and he will not turn aside from the Commandment, either to the right or to the left. And thus the days of his rule shall be prolonged, in the midst of Israel." Deuteronomy 17:14-20.

Samuel Langdon, President of Harvard College, well stated[52] in 1775 one year before the American *Declaration of Independence* that the Hebrew government, according to the **original** constitution which was divinely established (Exodus 3:16f & 4:29f & 18:12f) – if considered merely in a civil view – was a **perfect republic**. Let those who cry up the 'divine right of kings' consider that the form of government which had a **prior** claim to divine establishment was so far from including the idea of [such] a king – that it was a high crime for Israel to ask to be in this respect like other nations [First Samuel chapter 8]. When they **were** thus gratified – it was rather as a just **punishment** for their folly.

Indeed, it was not just the **executive** of Ancient Israel's government that was then not at all centralized. The same was true also of the **judicial** branch. As the Israeli Professor Dr. Gabriel Sivan of Jerusalem's Hebrew University has rightly pointed out in his book *The Bible and Civilization*[53] – Samuel's recorded journeys to Bethel, Gilgal and Mizpah (First Samuel 7:16) have been interpreted by some scholars as annual visits to the Hebrew courts of law. The Biblical statement that "he went from year to year in circuit" – inspired the old English circuit system of local assizes. On the antiquity of English Common Law's 'trial on circuit' – see *The English Legal System* by G.R.Y. Radcliffe and Geoffrey Cross.[54]

Samuel himself officiated as a judge at Ramah. First Samuel 7:17. Later, notwithstanding that King David (like Moses before him) administered law and justice among the Israelites (Second Samuel 8:15) – also some six thousand of the thirty-eight thousand Levites were specifically appointed as judges and law officers. First Chronicles 23:4-6f. Even King Solomon, who asked God for 'an understanding heart to judge the people [so] that I may discern between good and evil' (First Kings 3:9) – also functioned as a judge. *Cf.* First Kings 3:16-18.

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[52] Thus Edmunds: *op. cit.*, p. 199.
[53] *Op. cit.*, p. 110.
[54] G.R.Y. Radcliffe & G. Cross, *The English Legal System*, London, 1954, pp. 90f.

Throughout, however, the real government remained largely at the level of the local grass roots. A trained citizens' army had the right and duty to possess and to bear their own arms – for the defence of home, family, community and nation. Exodus 22:2; Numbers 1:2f; Deuteronomy 20:1-4; Judges 3:1f & 5:8; First Samuel 23:19-22 & 25:13.

The twelve states and especially the (Con)Federal Government were supposed to remain decentralized – with the real power vested in the family and in a free market economy. Exodus 20:12-17; Deuteronomy 1:13-17; 19:14; Proverbs 10:2-4; 13:4,11; Ecclesiastes 5:19. Oppressive taxes were forbidden; unjust weights and measures (such as unbacked currency and statist-induced inflation) were contraband; and education was largely to be home-based. Exodus 30:14f; Leviticus 19:15,35f; First Samuel 8:10-18; Ezra 7:23f; Proverbs 11:1; 20:10; Isaiah 1:22; Hosea 4:6; Amos 8:5-7; Micah 6:11f.

The Mosaic franchise was always qualified and never mob-ocratic

Even under the later 'constitutional monarchy' – which was foreshadowed already in the 'anti-mobocratic' Deuteronomy seventeen – the **manifestation** of suitable qualities was still required both before and during the monarch's own later exercise of government. Thus the theocratic qualities required of the headmen mentioned in Exodus eighteen, were still to be sought also in a king.

As Professor Dr. Abraham Kriel has pointed out,[55] it is sometimes maintained that an individual is born with a 'right' to vote. But on closer scrutiny, no one really believes this. Everywhere the individual has to wait for about another twenty years, before he is allowed to exercise it.

Solomon indeed had many faults, and far too many wives. But at least a mundane peace characterized his rule . As a young king, Solomon was allowed to request something from the Lord. This was his wish: "Give Your servant an understanding mind to govern Your people, so that I may discern between good and evil! For who is able to govern this great people of Yours?" First Kings 3:9.

Knowledge and understanding, says Solomon, should be cried after and sought out like silver. Proverbs 2:3-4. So God was pleased when that young king humbly acknowledged his need of wisdom – in contrast to his puffed-up half-brother Absalom, who haughtily claimed that he himself was well able to give everyone justice.

To be very frank, a 'one-man one-vote mob-ocracy' is perhaps the very worst form of government. It is inimical to the Bible. It is also averse to the historic requirement of 'property-qualification' – as a prerequisite for the extension of the privilege of voting.

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[55] A. Kriel: *The Samaritan in South Africa*, Sovereign Books, Sinoville, South Africa, 1988, pp. 127f.

As Professor Kriel again observes,[56] egalitarianism has no support in Scripture. A qualified and differentiated franchise is also Kriel's own standpoint.

For some people receive more governing power and abilities than do others – just like the men in the parable of the pounds (Luke 19:12-27). A man who has possessions in a country, usually has a greater feeling of responsibility towards it than do others.

Yet a major objection to this is at this point often advanced. Is it not an insult to human dignity to withhold the vote from someone – and to give it to others in varying degrees? No! Far rather is it an insult to human dignity, to fling the franchise upon everyone.

Chicago Law Professor Dr. Palmer D. Edmunds insists[57] that the Ancient-Hebrew *Sanhedrin* (or Council of Seventy) – around which the judicial system centred in later eras – can be traced to an early date. It had its origin in Jethro's advice to Moses. See: Exodus chapter eighteen. A permanent National Senate was created early. *Cf.* Numbers 10:1-4 & 11:16f. This is maintained, very generally, by Jewish writers themselves. It is maintained also by Christian scholars such as Sir Algernon Sidney, Hugo Grotius, and John Selden.

Edmunds explains that around B.C. 200, we find in Israel a legal system in which the governmental authority in all its aspects was vested in a tribunal known as the **Great *Sanhedrin***. Sitting in Jerusalem, this tribunal had a membership of seventy-one judges. That number was derived from the court's prototype: the assembly of seventy elders that Moses had gathered (he himself constituting the seventy-first). Numbers 11:16f.

Initially, all such Members of the **Great *Sanhedrin*** were to be men of irreproachable character, fine discrimination and balanced judgment. Exodus 18:21f. There were also other courts. Those called **lesser *sanhedrins***, each composed of twenty-three Members, sat in the smaller centres. In addition, most of the yet-tinier towns each had a ***beth din*** – a local court dealing with minor cases. Such would hold its sessions just inside the city gates of each walled town concerned. Deuteronomy 16:18 & 17:5-9 *cf.* Second Samuel 15:2f.

This, then, was the true theocracy. Through delegated and sphere-**sovereign** (yet also sphere-**universal**) human officers – God was seen to be both the Supreme Governor and the Immanent Implementor of justice among the people. This is what the Ancient Hebrews themselves professed. And this is what every country in the World needs, also today. Then, in the words of Isaiah 33:22 – "the Lord is our Judge; the Lord is our Lawgiver; the Lord is our King. He will save us!"

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[56] *Op. cit.*, pp. 131f.
[57] *Op. cit.*, pp. 203f.

The Post-Mosaic deterioration of Old Testament Hebrew Government

Sadly, there was also a Post-Mosaic deterioration – because of the increasing ungodliness also of the power-wielders among the Hebrews themselves. Not just the heathen but, though less sharply so, even the nation of Old Testament Israel later drifted away from government by a plurality of godly elders – and into the autocratic direction of tyranny alias popularist one-man government. Thus, also the apostasizing Israelites finally became almost just "like all the nations."

It is to be noted, however, that this rottenness did not at all start at the time of their Exodus from Egypt. It started later, when the Israelites ignored God's directives by leaving His straight and narrow way – and 'broad-mindedly' followed the 'pluriform' practices of "all the nations" alias the surrounding Pagans.

Such a tyranny led: to the erection of a huge body of public servants; to an unwieldy statist transportation system; to public ownership of the means of production and distribution; and to the regimentation of many women from out of their families and into the public labour force. It also resulted: in the confiscation and redistribution of wealth through excessive and ungodly taxation; in an unbiblical slavery; in the destruction of private property; and in the rise of anti-theo-cratic humanism alias so-called 'demo-cratic social-ism.' See First Samuel chapter eight.

In spite of these obvious dangers, the imperceptive "elders of Israel gathered themselves together and said to the prophet-priest Samuel: 'Now then, you must find us a king to rule over us **just like all the nations**!' Then the Lord said to Samuel: '**Give heed** to the voice of the people in all that they say.... They have rejected Me, so that I do not wish to keep on reigning over them.... They have forsaken Me and served other gods.... Listen to their voice – **yet still protest solemnly to them**, and show them the kind of king who shall then reign over them!'"

Thus God told Samuel to warn the apostate Israelites that their own new non-theocratic king or political president would not be pleasing to God. For he would be appointed not by the Lord – but instead be elected by the ungodly procedures of democratic socialism.

Before long thereafter, the result would be catastrophic. For such a ruler would soon become a democratistic demagogue. He will, warned Samuel, "take your sons. He will appoint them for himself, for his chariots." He will force them "to reap his harvest, and to make his instruments of war.... Then he will take your daughters...to be cooks and to be bakers" as vassals in his own service.

"Next, he will take your fields and your vineyards...and give them to his own servants. Then he will take the tenth of your seed...and give [it] to his officers.... Also, he will take your servants...and your goodliest young men and your asses – and put them to work....

"Then you shall be his slaves. And you shall cry out in that day – because of your king whom you will have chosen for yourselves. But the Lord will not hear you, in that day." First Samuel 8:4-19.

How descriptive, also of our own day, is the above prediction of the early prophet Samuel! Yet even after the fulfilment of that depressing prediction, the later prophets still called God's wayward people **back** to the Law of Moses. In so doing, they called God's people also **forward** – to the doctrine of even greater 'separation of powers' in political life, and to the doctrine of increased individual responsibility in economic life. Modern 'prophets' need to do the same also today.

Wrote the prophet David: "Blessed is the man" whose "delight is in the Law of the Lord.... In His Law, he meditates day and night." Psalms 1:1-2. *Cf.* too Psalms 19 & 119. For eschatologically, "the Lord...is coming to judge the Earth; He shall judge the world with righteousness, and the people with His truth." Psalm 96:13.

Indeed, "the Lord has made known His salvation; His righteousness He has openly shown in the sight of the heathen." Psalm 98:2. Jehovah Elohiym, "the king's Strength, also loves judgment." Of Him it was said: "You establish equity; You execute judgment and righteousness in Jacob." Psalm 99:4.

For "the Lord...made the Heavens and the Earth.... He keeps truth for ever. He executes judgment for the oppressed. He gives food to the hungry. The Lord loosens [or releases] the prisoners." Psalm 146:5-7.

Especially is this to be seen – in the parenetic Book of Proverbs. "The fear of the Lord is the beginning of knowledge; but the morally-depraved, despise wisdom and instruction." Proverbs 1:7. "Honour the Lord with your substance, and with the first-fruits of all your increase! Then your barns shall be filled with plenty, and your [wine-]presses shall burst out with new wine." Proverbs 3:9-10.

"My son, if you be surety for your friend...you are ensnared with the words of your own mouth.... Save yourself like a deer from the hand of the hunter, and like a bird from the hand of the bird-catcher!" Proverbs 6:1-5.

"Go to the ant, you sluggard; consider her ways, and become wise! ... How long will you go on sleeping, O sluggard? When will you get up out of your sleep? Just a little [more] sleep, a little slumber; a little folding of the hands to sleep – in that way, your poverty shall arrive like a rapid traveller, and your want like an armed man!" Proverbs 6:6-11.

Again: "When there is no advice, the people fall; but in the multitude of counsellors, there is understanding." Proverbs 11:14. "The ruler's reward is a multitude of people; but the lack of people is the destruction of the leader." Proverbs 14:28. "Righteousness exalts a nation; but sin is a reproach to any people." Proverbs 14:34.

"Without advice, purposes are disappointed; but in the multitude of counsellors they are established." Proverbs 15:22. "It is an abomination for rulers to commit wickedness. For the government is established by righteousness"; and "righteous lips are the delight of rulers." Proverbs 16:12f. "A wise ruler scatters the wicked and brings the wheel over them." Proverbs 20:26.

"He who oppresses the poor to increase his riches, and he who gives to the rich – shall surely come to want.... You may not rob the poor because he is poor. Neither

may you oppress the afflicted.... For the Lord will plead their cause, and despoil the person of those that despoiled them." Proverbs 22:16-23.

"Do not be one of those who...are sureties for debts! If you have nothing to pay with – why should he [the creditor] take your bed away from under you? Do not remove the ancient landmark which your fathers have appointed!" Proverbs 22:26-28.

"By wise advice, you shall make your war; and in the multitude of counsellors, there is safety." Proverbs 24:6. "If a ruler hearkens to lies, all his servants are wicked." Proverbs 29:12. "Where there is no vision" (or "clear insight") – *exeegeetees* within the B.C. 270 Greek Septuagint translation of the Old Testament – "the people perish. But he who keeps the Law" – *Torah* in the Hebrew (and *Nomos* in the Septuagint) – "happy is he!" Thus: Proverbs 29:18.

The wisdom of these Proverbs did not die with King Solomon and with King Hezekiah (who uttered them). Proverbs 1:1f and 25:1f. For these sage statements were both **copied out** and also **orally repeated** – from one generation to the next. Proverbs 1:8; 4:1-4; 25:1; 30:1-5; 31:1f.

Many leaders acted in accordance with those sage statements. Thus, although the godly Elijah did not himself rule over Israel – he rightly rebuked her ungodly rulers. First Kings 18:18. He bravely re-asserted the authority of the weakened State Governments of the several tribes of Israel – against the centralistic absolutism of the Federal Government. First Kings 18:31.

Again, also the godly King Uzziah – when he lapsed from virtue and wrongly started doing the work of the priests – was publically rebuked. For he was smitten with leprosy – and then **deposed**, in favour of his son. Second Chronicles 26:1-21.

Greater degeneration of the Law – among the Pre-Christian Gentiles

Sadly, the monetary *lex talionis* sometimes degenerated into cruelty – even among the later Jewish Pharisees. *Cf.* Matthew 5:20 & 5:38. Yet both in earlier and in subsequent times – with the noted exception of the Ancient British Druids in general – it devolved into much greater cruelty among many of the Pagans.

Declining from the *Torah*, certain later legalists may indeed have maimed maimers exactly in the way the latter had themselves maimed others. Yet in Athens, after the (even harsher) B.C. 621 Laws of Draco – even the milder Athenian Solon enacted around B.C. 594 that whoever put out the eye of a one-eyed person, should himself have both of his own eyes put out.

From Solon, the Romans took over this barbarous practice – in their own B.C. 451 *Law of the Twelve Tables* (even though they later changed it to a substantial fine). These greatly increased penalties were rather barbaric. Yet at least they were rarely discriminatory.

For under such barbarism, no **rich** smiter could escape punishment – simply by **paying** a nominal amount. The damage caused, had to be compensated for in a way

deemed **to be adequate and fair** – sometimes even to the point of the smiter being subjected also to unnecessarily severe physical punishment.[58] Under barbarism, therefore, the emphasis moves toward **torturing** the smiter – rather than on **compensating** the smitten smitee or his dependents.

Quite different, however, are the five Books of Moses (Genesis through Deuteronomy). They are often called[59] the 'Instruction' – alias the *Torah*. Chicago Law Professor Dr. Palmer D. Edmunds explains[60] that the *Torah* contains a code of law on various types of subjects in the form of a series of statutes and ordinances succinctly expressed. It is indeed the first law in the modern sense, written by the authority of a lawgiver.

Some Hebrew customs (whether earlier or later) were neither mentioned nor suggested by the *Torah* itself – yet nevertheless persisted as part of the unwritten or 'oral' law. During the subsequent Talmudic period, those customs – or either improvements or degenerations thereof – were then committed to writing.

The word *Talmud* means 'Learning' – and refers to a body of Hebrew lore written down since the completion of both the Old and the New Testaments. The actual date of its **inscripturation**, was late – from about A.D. 220 to 500. Yet, as Professor Dr. Edmunds explains, much of it had already existed in an unwritten condition for several centuries before A.D. 220. Indeed, the great antiquity of this 'oral law' is attested by various Jewish authorities – on grounds similar to those by which the origin of the **British Common Law** is often explained.

By and large, however – in contradistinction to the more ancient **British Common Law** – we may say that even the **oral** customs **now** found in the ***Talmud***, arose only **after** the completion of the written Old Testament and during the subsequent Judaistic declension therefrom. Indeed, Christ appeared at that very time precisely as a **Reformer** – to call God's people **back** to the Mosaic Decalogue, and **forward** to His own fulfilment thereof as Israel's Messiah.

The Person and Teachings of Jesus regarding the Ten Commandments

Instructive indeed is the relationship between the Ten Commandments and the Person of the Lord Jesus Christ. Here it is of importance to note that He, "the righteous" One (First John 2:1), declared Himself to be God. John 8:58 & 20:28. *Cf.* the First Commandment.

Christ is described also as the unique and essential image of the unseen God. Hebrews 1:1-3 & Colossians 1:13-15. *Cf.* the Second Commandment. Apart from Jesus, there in no other Name under Heaven by which we must be saved. Acts 4:12. *Cf.* here the Third Commandment. He is Lord of the sabbath. Mark 2:28. *Cf.* the

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[58] See H.L. Hastings's *op. cit.* pp. 44f.
[59] Thus *s.v.*, in Vallentine's *Jewish Encyclopaedia*.
[60] *Op. cit.*, p. 206.

Fourth Commandment. Indeed, He is also One with the Father. John 10:30. *Cf.* the Fifth Commandment.

Jesus is the Living One. Revelation 19:11. *Cf.* the Sixth Commandment. He is the also Faithful and True. Revelation 19:11. *Cf.* the Seventh Commandment. He is the Giver of the Comforter. John 14:16. *Cf.* the Eighth Commandment. He is the Truth. John 14:6. *Cf.* the Ninth Commandment. Indeed, He is also the Desire of all nations. Haggai 2:7. *Cf.* the Tenth Commandment.

Furthermore, Christ's teachings include a strong emphasis on keeping the whole Decalogue – and are thoroughly consistent with the essential righteousness of His own law-abiding Person. For not only did He teach that "the righteous shall be satisfied." Matthew 5:6. He taught also that they should love the Lord their God. Matthew 22:37. *Cf.* the First Commandment.

Indeed, He insisted they should worship God in spirit. John 4:24. *Cf.* here the Second Commandment. He enjoined that one should never blaspheme against the Holy Ghost. Matthew 12:31. *Cf.* the Third Commandment. He urged them to keep the sabbath. Luke 4:16; 23:56 to 24:1; Matthew 24:20. *Cf.* the Fourth Commandment. Moreover, he told people to honour their parents. Matthew 15:4-9 & 19:19. *Cf.* the Fifth Commandment.

Further, He forbad men to murder. Matthew 19:18. *Cf.* the Sixth Commandment. He prohibited adultery. Matthew 5:27f. *Cf.* the Seventh Commandment. He condemned theft. Matthew 19:18. *Cf.* the Eighth Commandment. He admonished men not to swear at all. Matthew 5:34. *Cf.* the Ninth Commandment. Indeed, He also warned against all lustful desires. Matthew 15:19f. *Cf.* the Tenth Commandment.

Jesus spoke in righteousness – mighty to save! Isaiah 63:1. As He said to the unconverted rich young ruler: "If you wish to enter into life – keep the Commandments!" Matthew 19:17. And as He said also to His converted poor disciples: "If you love Me – keep My Commandments!" John 14:15f.

Jesus Christ's teaching on political government for His Church

No different was and is the teaching of Christ as regards the usefulness of the judicial laws. Matthew 5:22f; 17:24f; 22:17f; 23:2f. He taught that the right-eous shall be satisfied. Matthew 5:6f. He Himself is our righteousness. First John 2:1. And, as the King of all kings, He enjoined and still enjoins the Ministers of His Word: "Teach all nations...to observe all things whatsoever I have commanded you." Matthew 28:19 *cf.* Genesis 1:28f & Exodus 20:1-17f.

The modern German jurist Werner Schilling writes[61] that Jesus is certainly positive toward the great legal postulates of the Prophets and the Law. The Decalogue and the New Testament 'domestic tables' – and Jesus' Sermon on the Mount and suchlike words of the Lord – indeed contain sentences of the Law. Matthew chapter 5; Romans

[61] *Op. cit.*, pp. 61-2 & 118-20.

13:1-4; Ephesians chapter 6; Colossians chapter 3; First Timothy chapter 5; and First Peter 1:13f & 2:13f.

There are also the words of Jesus in Matthew 12:36f & 6:3f. There is also Romans 2:5f & Second Corinthians 5:10 *etc*. Indeed, there is no doubt that Jesus knew Himself to be the Finisher and the Fulfiller of the prophetic *ethos* in Israel (retrospectively with all the postulates of the legal and social order). Luke 10:22f; Matthew 12:41f; 11:11f,27f.

Jesus magnifies the Law, proclaiming it worthy of being honoured. Isaiah 42:1,21. He came into the World, so that all righteousness should be fulfilled. Matthew 3:15, *cf.* too Galatians 4:4f. He teaches His followers to be meek or submissive to God's Law – and to do good works in accordance with that Law. Matthew 5:5,16. For He had not come to break down either the Law or the Prophets – but to finish their construction, and indeed to enhance them. Matthew 5:17.

Jesus also clearly declares that not even to the very end of world history would so much as one jot or tittle of that Law ever pass away. Matthew 5:18. He states that whosoever breaks even one of God's Commandments and teaches men to do the same, shall be called 'the least' as regards the Kingdom of Heaven. Matthew 5:19. And He warns that unless men's righteousness exceed that of the Pharisees they shall no way enter into that Kingdom of Heaven. Matthew 5:20.

Jesus here urges Christians to be perfect – even as their heavenly Father is perfect. See: Matthew 5:48. Moreover, the Saviour further specifies that He is here also talking (with Israelites) about even the various appropriate judicial punishments [in Israel] for breaking the Law of God. Matthew 5:21-36f.

He further urges that political officers should administer the law not as oligarchical tyrants but rather as as public servants. Matthew 20:25-28 & Luke 22:25 *cf.* Romans 13:3f & First Peter 2:13f. On this, see F.N. Lee's three publications: *Christocracy*;[62] *Mount Sinai and the Sermon on the Mount*;[63] and *Are the Mosaic Laws for Today?*[64]

Chicago's Dr. G.A.F. Knight declares[65] of Jesus in His 'Sermon on the Mount' that He not once abrogates the Mosaic Law. Indeed, it is precisely on the basis of the Mosaic Law that He makes His new pronouncement. Thus Jesus Christ here never explicitly repudiates the Law of Moses.

Indeed, in refusing to repudiate the Law of Moses, Jesus is here altogether in agreement with Jeremiah 31:21f. Jesus understood the word '*Torah*' not as the Rabbis who were then expounding it, but in terms of the prophetic interpretation of the Old Testament. For our Lord is not its '*Neos*' (alias its Replacement), but its '*Kainos*' (alias its Re-new-al). He is the 'Goal' or *Telos* of the Law. For the revelation given us in

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[62] F.N. Lee: *Christocracy and the Divine Savior's Law for All Mankind*, Jesus Lives, Tallahassee, 1979.
[63] F.N. Lee: *Mount Sinai and the Sermon on the Mount – A Paraphrastic Translation of Matthew Five's Moral Law of Jehovah-Jesus*, Jesus Lives, Tallahassee, 1979.
[64] F.N. Lee: *Are the Mosaic Laws for Today? Observations on Calvinism and the Westminster Standards Regarding the Relationship between God's Moral Law of Nature for All Men and Ancient Israel's Ceremonial and Judicial Laws*, Jesus Lives, Tallahassee, 1979.
[65] *Op. cit.*, pp. 67f, 100, 109, 107.

Christ is 'new' precisely in the sense that it does not destroy nor replace but rather completes the old (or 'fills it to the full').

Also the famous contemporary Non-Christian American Jew Dr. H.J. Berman – formerly Professor of Law at Harvard and currently at Emory University in Atlanta – upholds Jesus' *Sermon on the Mount*. Berman does so against the legalism of the ancient Pharisees on the one hand, and against modern antinomians like Brunner on the other. Berman then adds[66] that the purposes of the moral and religious law of the Older Testament were realized in the life and death and resurrection of Jesus Christ.

Christianity, adds Law Professor Dr. Berman, is in a very precise sense a fulfilment and a realization of the purposes of the Moral Law. Christianity has always taught that the legal system by which human society is regulated, should conform to the Moral Law and – like it – should help to create conditions in which Christian faith, hope and love can flourish. By our faith in God, we uphold the Law.

Thus: Jesus strongly urged His Palestinian followers to give back to their Roman conqueror Caesar, the things that were Caesar's – but to give to God's house, the amount owing there. Matthew 17:24-27 *cf.* Exodus 30:10-16 & 38:25-26. As Saviour while yet here on Earth, Jesus properly refused to do the different work of a judge. Luke 12:13f & John 8:10f *cf.* Acts 7:27 & 18:15.

Elsewhere, Jesus also tells His disciples that the Fifth Commandment requires not the State nor the Church but Christians themselves to care for their own indigent parents. Matthew 15:4-9 *cf.* First Timothy 5:4,16. He tells His followers to pay their taxes to all the earthly authorities. Matthew 17:25f. He supports realistic divorce legislation in this fallen world – while at the same time also urging the keeping of all of God's Commandments perfectly. Matthew 19:7-21.

Jesus urged the Pharisees to pay taxes even to the Romans, but above all to give back to God the things those Pharisees owed Him. Matthew 22:15-21. Indeed, He still urges His disciples to keep His Commandments – if they indeed really do love Him. John 14:15,21 & 15:10-14.

In His Great Commission, Christ clearly implies that the Ten Commandments are to be taught to all baptized Christians – and that the latter should observe them faithfully. Thus He enjoins the Ministers of His Word: "You must therefore go and teach all nations – baptizing them [and]...teaching them to observe all things whatsoever I have commanded you!" Matthew 28:19.

This is what the Divine Lord enjoined. He it is Who had commanded Adam to keep His covenantal laws. He it is Who had given the Ten Commandments to the Israelites on Mount Sinai. Indeed, He it is Who later still warned His Christian disciples and even the antichristian Judaists and all men everywhere not to break even the very least of these Commandments of God. Genesis 1:1-28; Exodus chapter 20; Matthew 28:19; 5:19; Mark 7:4; John 1:1-18.

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[66] Thus H.J. Berman's *Love for Justice: The Influence of Christianity upon the the Development of Law* (in *Oklahoma Law Review* 12, Feb. 1959, p. 87).

Christians will always be required to keep the Ten Commandments

Consequently, New Testament Christians obey Christ's teachings about the obligatoriness of keeping the Ten Commandments – today, and throughout the future too. For the New Testament teaches that Christians have been justified and made righteous by Christ's own law-keeping. By grace and through faith in Christ's own substitutionary law-keeping alone, the merits of His obedience to God's Law are credited to His children – just as if they themselves had always kept it impeccably.

Indeed, when Christ's children are regenerated – He gives them His Own Holy Spirit, the Spirit of God the Son. That Spirit then indwells them. While writing His laws on their hearts, by His sanctifying grace He gives them an ever-increasing desire to keep the Ten Commandments to the glory of God. This then becomes a token of their gratitude for so great a salvation – and for the justification graciously donated to them on the basis of the matchless merits of the life and death of their law-abiding Saviour. Romans 3:36; 6:1-2; 7:6-25; 8:1-4; Second Corinthians 3:3-18; Hebrews 8:10.

Out of gratitude for so great a salvation, then – true Christians more and more worship "only one God." First Corinthians 8:4-6. *Cf.* the First Commandment. They "flee from idolatry." First Corinthians 10:14. *Cf.* the Second Commandment. "Above all," they "do not swear." James 5:12. *Cf.* the Third Commandment.

Further, they also observe the Lord's day. For "there remains a [weekly] keeping of a sabbath to the people of God." Hebrews 4:9 *cf.* 10:25. *Cf.* the Fourth Commandment. Indeed, they also honour their own fathers and mothers (and other superiors). Ephesians 6:3. *Cf.* the Fifth Commandment.

They do not hate their brethren, as callous murderers do. First John 3:15. *Cf.* the Sixth Commandment. They are not enemies of God, as adulterers are. James 4:4 & Hebrews 13:4. *Cf.* the Seventh Commandment. They now "steal no more." Ephesians 4:28. *Cf.* the Eighth Commandment. They "lie not to one another." Colossians 3:9. *Cf.* the Ninth Commandment. Indeed, they do not even name the sin of covetousness. Ephesians 5:5-12 & First John 2:16. *Cf.* the Tenth Commandment.

Because they love Jesus, Christians keep His Commandments. John 14:15. For they know that "the law is holy, and the commandment holy and just and good and spiritual." Romans 7:6-14. They delight in the law of God, and they serve the law of God. Romans 7:22-25 *cf.* 13:7-10. Consequently, they now endeavour to keep all Ten Commandments. James 1:1f; 2:1,8-11,15; First John 3:2-24; Revelation 14:12. For they are under the law, to Christ. First Corinthians 9:21. Indeed, by Christ alone have they been justified and adopted as children of God – so that they now need to show their gratitude, by becoming more and more law-abiding.

The teaching on political government of the New Testament Church

After Christ's death, resurrection, ascension and heavenly session – He sent His Spirit to His children. Acts 2:32f. He, through their instrumentality, is even now convicting the world of sin and righteousness and judgment to come. John 16:7-13.

God's children are made righteous – by Spirit-given faith in the imputed righteousness of Jesus Christ. Romans 5:1. Progressively and increasingly, here and now on Earth, they are indeed subject to the rule of God the Holy Spirit. Genesis 6:3; Job 32:8; Romans 8:2f. Under God, they more and more desire to improve themselves as law-abiding citizens of the Kingdom of God – right here and now in this present world. Romans 13:1-9f; First Peter 2:11f; Titus 3:1f.

For God the Spirit writes Jehovah's Law upon their hearts. Second Corinthians 3:3-18 *cf.* Hebrews chapters 8 to 10. This gives them the desire to subject themselves to – and to promote the observance of, juridical law – in all its various different and relatively sphere-sovereign manifestations as state law (Romans 13:1f), family law (Ephesians 6:1f) and church law (Acts chapter 15) *etc*. Although grounded in various different modalities, all these different kinds of 'laws' have their destination in the juridical modality.

Especially will the true Christian declare war against the spirit of lawlessness, wherever it is found. Second Thessalonians chapter 2; Second Timothy chapters 3 to 4; First Timothy 1:8f. He will squarely uphold the powers that be, in the interests of law and order – in all matters not inconsistent with the teachings of Holy Scripture. First Timothy 2:1-2; First Peter 2:11-15; Romans 13:1-7. He will also use his influence to reform the existing law-making bodies – in state, church and family *etc*.

In fact, he should do so **more and more**. He should do so **reformatorily** – according to the revealed Word of God. Exodus chapters 2 to 12; Daniel chapters 1 to 7; Acts chapters 22 to 26. Here, he should follow the patient example of his Saviour. Matthew 26:51f; John 6:15; 18:33-37; 19:10f. He should not do so revolutionarily – according to the promptings of the words of Satan. For the knowledgeable Christian knows that in-iquity or un-right-eousness is ultimately self-destructive. Second Thessalonians 2:7-12 *cf.* Second Timothy 3:2-9.

Thus the Triune God shakes the world's unrighteousness, in judgment after judgment. Matthew chapter 24 *cf.* Hebrews 12:25-28. Yet the things that cannot be shaken, continue. For they shall stand, even while Christ Himself progressively judges the poor and reproves with equity the meek of the Earth. For "He shall smite the Earth with the Rod [or Word] of His mouth; and with [His Spirit alias] the Breath of His lips He shall slay the wicked." Isaiah 11:4f *cf.* Second Thessalonians 2:8.

Ultimately – His people shall be rewarded: every one according to his works. Matthew 6:33 & Revelation 20:12f. But the wicked will be cast forever into everlasting punishment, in the lake of fire. Matthew 7:32 & Revelation 20:10,15.

Christian government especially through the hands of competent Officers

Meantime, Christians are to obey and help improve all governing authorities. For Christ's Spirit increasingly enables His children to become better law-abiding citizens of the Kingdom of God, in every field. Indeed, they also know that all unrighteousness is ultimately self-destructive.

They can and should also know that the Earth is destined to be conquered by the Kingdom of God and His righteousness. Then "they that are wise, shall shine like the brightness of the firmament; and they who turn many to righteousness, [shall shine] like the stars, for ever and ever." Daniel 12:3.

For this is what the Lord says: "I will also make your Officers peaceable.... Violence shall no more be heard in your land, nor wasting or destruction within your borders.... Your people shall also all be righteous.... For as the earth brings forth her bud, and as the garden causes the things that have been sown in it to spring forth – so the Lord God will cause righteousness and praise to spring forth, before all the nations." Isaiah 60:17-21 & 61:11.

"The weapons of our warfare are...mighty through God, for the pulling down of strongholds. They cast down everything haughty which exalts itself against knowing God. They bring every thought into captivity, to obey Christ. Indeed, they are ready to avenge all disobedience." Second Corinthians 10:3-6.

Christ Himself appointed the foundational Apostles as His first Officers over His New Testament Church as the renewed people of God. Mark 3:13-18 & Luke 9:1f. They in turn would be followed by Ministers of the Word – permanent Ministers of God's audible words (in the Scriptures) and of God's visible words (in the Sacraments). Luke 10:1f; Matthew 29:19f; First Timothy 4:14 & 5:17; Second Timothy 2:2-15 & 4:1-5; and Revelation 2:1 to 3:14f.

The Apostles appointed also Deacons as Officers – after the latter had been elected, representatively, by qualified voters. Acts 6:1-7; Philippians 1:1; First Timothy 3:8-13. Similarly, also Elders were elected and appointed – in order to rule the congregations. Acts 11:30; 14:23; 15:2-22; 16:4; 20:17.

Each of these Officers had his own different job to do. Each was to submit to the **godly** majority rule of his Fellow-Officers, even though also each had his own God-given authority. Indeed, together, they made decisions which were constitutionally binding. Acts 1:15,17,22-26; 6:2-6; 14:23; 15:7-22; 16:4-5; 21:18-26; Galatians 2:9-10.

Now the New Testament Elders who permanently ruled the Christian Congregations, were apparently elected ('*cheirotoneesantes*') before being ordained ('*kathistantes*'). Acts 11:30; 14:23; 21:18. Only men who could manage their own households, were to be considered for such further Office. Proverbs 16:32 & First Timothy 3:4f.

Some of these Officers were delegated to yet larger Assemblies. Acts 15:2-6,22; 16:4; 20:17f. Indeed, they needed to be very highly qualified both before and after their election – and were also to be safeguarded against all flippant accusations. First Timothy 3:1-7; 5:17-22; Titus 1:5f.

Now the government of the Christian Church is the seed-bed promoting the later growth of the Christian State. As Rev. S.G. de Graaf rightly observes in his book

Christ and the World,[67] the terrain of the State is to maintain the existing legal order and to create the new legal order. In the Sermon on the Mount, Christ develops the Law of His Kingdom – which is none other than the Law of the Ten Commandments and indeed the only correct application thereof. This legal order should be seen as a fruit of the cross of Christ.

The State is both to enact and to maintain the whole of the Moral Law of God. In the short term, it cannot change local laws all at once. It should not act in a revolutionary way. Yet during elections, we need fully to be aware that we are battling under the Lordship of Him unto Whom the Father has given all power in Heaven and Earth. Only when the people see that they are serving Christ and marching under the banner of the Redeemer, concludes De Graaf – will they be willing in the day of His power. Psalm 110.

The importance of the Law in the teaching of the Apostles

According to Christ's well-taught Apostles, the Moral Law of God is to be upheld even by political governments and their citizens. Peter insists that taxes should be paid to the state authorities. Matthew 17:24f. But Peter also later tells those same authorities that they had in other respects disregarded Christ. Peter and his associates could not but keep on saying this. Acts 4:8-20.

Whenever the authorities purported to forbid Peter to keep on saying this, he replied: "We ought to obey God, rather than men" – and promptly accused those authorities of defying and crucifying a Prince much greater than they. Acts 5:28-30 *cf.* 2:23. When those authorities then had Peter and his associates beaten, and interdicted from speaking any more in the Name of Jesus – the Apostles disregarded the interdict and did not cease from teaching and preaching Jesus daily, even in the temple. Acts 5:40-42.

Yet Peter also urges Christians to honour the authorities and to suffer patiently and to submit to every not-ungodly political ordinance for the Lord's sake. He also indicates that the right function of those authorities was to punish evil-doers – and to praise those who do good. First Peter 2:13-20.

Also (the apostolically-appointed) Deacon Stephen accused the authorities to their face of being stiffnecked traitors and murderers. Acts 6:12f & 7:51-52. And the Apostle Paul frequently invoked the aid even of Roman Law against ungodly authorities – whether Jewish or Roman. Acts 16:19,37f; 18:14-18; 19:26-41; 21:27f; 22:25f; 23:1-5f; 24:1f; 25:11f; 26:2f; *etc*.

Now the presbyterial First General Assembly of the Christian Church clearly endorsed the 'decalogical' Noachic Covenant and its consequent **Law of Nature**. Acts 15:18-29 *cf.* Genesis 9:1-27. More importantly, Paul insisted that the **Law of Nature** alias the **Law of God** was written on every person's heart even in spite of the fall of man. Romans 1:18-20 *cf.* 2:14-16.

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[67] S.G. de Graaf: *Christ and the World*, Kok, Kampen, 1939, pp. 123f.

Indeed, Paul further declared that Christianity does not voiden but instead strengthens the Law. For the Law is holy and just and good and spiritual. Indeed, it is to be delighted in. It is the Law of the Spirit of life which liberates from sin. Actually, it is only carnal minds and misguided persons like antinomian dispensationalists who do not desire to be subject to the Law of God. Romans 3:31; 7:10-14,22; 8:2,7.

So the True Christian Faith does not make the Law void. God forbid! To the contrary, we Christians are rather to strengthen the Law. *Cf.* Romans 3:31. Paul was speaking here about law in the sense of the *Torah*. But his words are equally applicable – in this instance – also to law in the sense of contracts, torts, criminal law, a country's constitution, and the like (when seen as principles of order in society). For by our faith in God, we uphold **the law**. Thus Atlanta Law Professor Dr. H.J. Berman, in his article *Love for Justice*.[68]

Chicago's Professor Dr. G.A.F. Knight writes[69] that the Law is of undoubted value. Thus says St. Paul, in Romans 7:7f. His argument is based on the fact that Adam himself came to know the reality of Law at the moment when the fruit of the tree was forbidden him. For this reason, says Paul, the Law itself is a holy thing. In serving Adam (and us), it shows itself to be just – so that God established it for our good. The Law of Moses was temporary only in that it has found its 'end' in Christ. In Christ, it has found a new potency and validity.

The Law of Love now subsumes the Law of Moses and reinterprets it so that the latter can be applied in principle to any and every situation in any century of the world's history. The verb '*pleeroun*' – which is used of 'fulfilling' [as in Matthew 5:17's *pleeroosai*] – means something like the releasing of the potential in the Law of Moses, so that it becomes not just word but action.

What connection does obedience to this new Law of Love have to the old Law of Moses? 'Much, every way' – as Paul might have answered. *Cf.* Romans 3:1f. When the modern Christian builds a house, he still needs to be reminded to put a balustrade round its roof (if flat) so that his friends shall not 'fall off' – and certainly also around its swimming pool (if he has one), so that his friends shall not fall in. Deuteronomy 22:8. He must still lead back a strayed 'ox or ass' to its rightful owner – Deuteronomy 22:1-3 – even though the command has to be understood today in terms of bicycles, motor-cars and lawn-mowers in particular. Thus Chicago's Professor Knight.

The 'Rule of Law' principle is classically enshrined in Romans thirteen. There (vv. 1-3), every person is told "to be subject to the higher power**s**" and "ruler**s**." Those **plural** words presuppose 'separation of power**s**' (plural) – and prohibit **their** submission to an ungodly one-man dictatorship, or even to an unconstitutional oligarchy.

The first task of a ruler is to be a "terror" to "the evil" and to make the latter "afraid" of the "sword" God gives to the political ruler. For the latter is to be an avenger, *viz.* to execute "wrath" upon those who do evil. Romans 13:3a & 13:4.

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[68] H.J. Berman: *Love for Justice*, in *Oklahoma Law Review* 12, Feb. 1959, p. 87.
[69] *Op. cit.*, pp. 111-19.

The second task of a ruler, is to "praise" and to "minister" to those who do "good works" or "that which is good." Romans 13:3b & 13:4a. To such rulers, Christians (and indeed all other persons too) are to "be subject...also for conscience sake." Indeed, in recognition of this (among other things), those thus subject are indeed also to "pay tribute" or tax to the authorities. Romans 13:5-7.

Those ruled, also have other legal obligations. For Paul further adds: "Don't owe anybody anything, except to love one another. For he who loves another, has fulfilled the Law.... You shall not commit adultery; you shall not murder; you shall not steal; you shall not bear false witness; you shall not covet; and...any other Commandment...is briefly comprehended in this saying – namely: 'you shall love your neighbour as yourself'.... Therefore love is the fulfilling of the Law!" Romans 13:8-10.

The Decalogue a chief instrument promoting the advance of Christianity

Christians are to avoid debt and to "owe no man anything except to love one another." Indeed, they are to demonstrate that love – by keeping the Ten Commandments against "adultery" and "killing" and "theft" and "false witness" *etc*. In one word, they are to "do that which is **good**." Romans 13:8-10 *cf.* v. 3.

By the same token, the political powers or authorities are each to be "the minister of God...for good" (v. 4). This means that all politico-governmental authorities too are to do "good" – alias to keep and to uphold the Ten Commandments even in public affairs. Indeed, they are to protect life and liberty and property and the pursuit of happiness – precisely by wielding the God-given sword against the ungodly (vv. 3-4).

"Who," asks Paul, "ever goes forth to war at his own expense? Who plants a vineyard, but does not eat of its fruit? Or who feeds a flock – but does not consume the milk of the flock?" First Corinthians 9:7.

"To the Jews," explains Paul, "I became as a Jew – so that I might win the Jews. To those who are under the Law, [I became] as under the Law – so that I might win those who are under the Law. To those who are outside the Law, I – **being <u>not</u>** [**myself**] **<u>without Law</u> to God, but <u>under the Law</u> to Christ** – became as those outside the Law, so that I might gain those who are outside the Law." In this way, Paul strove to gain all kinds of men *for* the Law of the divine Christ. Indeed, thus he sought to bring them into submission to the Law of God. First Corinthians 9:20f.

Christians are to eat and to drink and to do all things whatsoever only to the glory of God. They are thus to seek to give no offence – neither to the Jews, nor to the Gentiles, nor to the Church of God. First Corinthians 10:31f. Indeed, Paul further enjoined Titus to remind the unruly inhabitants of Crete "to be subject to principalities and powers; to obey magistrates; to be ready to every good work; to speak evil of no man; to be no brawlers." Instead they were to be "gentle, shewing all meekness [alias law-abiding-ness] to all men." Titus 3:1-2.

God's Law is indeed a 'Law of Liberty' for society. Jesus said not one jot or tittle of it would ever pass away. Matthew 5:18f *cf.* Luke 16:17f. The married should not initiate divorce, nor the unmarried initiate the marriage act. *Cf.* the Seventh Commandment. The Jew should not seek to become a Gentile – nor the Gentile, a Jew. *Cf.* here the Fifth Commandment. Indeed, a servant should not seek to leave his employer; nor an employer seek to become a servant. *Cf.* the Eighth Commandment.

"Let every man stay in the same calling in which he was called.... But if you are able to gain freedom – rather accept it!" First Corinthians 7:4-27.

As the Spirit of the living God carves His Law into the fleshly tablets of Christian hearts, they are more and more led into liberty. Indeed, thus are they changed – from glory, toward even more glory – by the Spirit of the Lord. Second Corinthians 3:3,17-18.

We Christians are therefore to "keep on looking into the perfect Law of Liberty" – alias the Ten Commandments. For God tells Christians: "If you keep on fulfilling the Royal Law – according to the Scripture 'you shall love your neighbour as yourself' – you do well. But if you have respect to persons – you are committing sin and are being convicted as transgressors, by the Law.

"For whosoever shall observe the whole Law but still keep on offending in one part, is guilty of all. For God Who said 'do not commit adultery!' – also said 'do not murder!' Now, if you do not commit adultery – yet if you commit murder – you have become a transgressor of the Law. You should keep on speaking and keep on behaving – as those who shall be judged by the Law of Liberty!" James 1:1,25 & 2:5-12.

Triune confederacies the desirable patterns for Christian action

The principle of Triune Confederation is not only rooted in the Divine Trinity (of Father-Son-Spirit). It is also to function in the family (husband-wife-child); in the Church of the Lord (prophet-priest-king and minister-elder-deacon and congregation-presbytery-synod); and in politics (in the relation between local and state and national governments *etc.*).

Hence Paul reminds the individual Corinthian Christians not only of their 'one-body-with-many-members' solidarity with one another. He further reminds their congregation of its solidarity also with "the churches of Galatia" – and indeed with "all who in every place call upon the Name of Jesus Christ our Lord, both theirs and ours." First Corinthians 12:12-20 *cf.* 16:1 & 1:2. The "one" and the "many" – are thus both equally ultimate. *Cf.* First Corinthians 12:12,14,20.

It is true Christ Himself addresses the last book of the Bible to the **many** congregations alias "the seven churches which are in Asia" Minor (or what is now Western Turkey's seacoast and the areas adjacent thereto). Yet those seven different congregations were nevertheless united in **one** (seven-pronged) candlestick or Presbytery. See: Revelation 1:4-13,20 & 2:1 *cf.* Exodus 25:31-40 & Zechariah 4:2f.

Indeed, the same is true in the political government of States or Provinces. It is also true of the various different countries. See: Deuteronomy 32:8; Luke 3:1f; Revelation 15:3-4; 21:24-26; 22:2.

A useful book on this subject, is History Professor Dr. Arthur R. Hogue's *Origins of the Common Law*. There, he answers[70] the important question: Can a social theory of 'classes' be reconciled with the teaching that all persons are 'equal' in the sight of God?

To grasp the answers to such questions, Hogue declares one must put aside ideas of social reform advocated since the 1789 French Revolution. Early Christian social teachings may appear strange from a modern[istic] perspective. Yet the social thought of the apostolic age did not lack a doctrine of the bond uniting all men in a common humanity.

Nevertheless, the New Testament also contains a tough-minded acceptance of the fact that people differ – in sex, age, wealth, social position, authority, and responsibility. Some are masters, others are servants; some are Jews, others are Gentiles; some are Greeks, others barbarians; some are bond, others are free. First Corinthians 7:15-22. "The body is one...[yet] has many members." First Corinthians 12:12. And though all mankind might be and should be united in religious faith – even then, servants should obey their masters. And masters should be just and fair to their servants.

The social teachings of the New Testament – do not propose any sharp alteration in the class structure. Rather they demand charity, consideration, kindness, and tact from those who are in power – and obedience, respect and cheerful service from those who are then subject to authority. The amelioration of the class structure in this world – the here and now – was not the primary thrust of New Testament social doctrine.

The Christian writers of the apostolic age believed that the only ultimate justice was to be dispensed in eternity. Nevertheless, the New Testament abounds in clues about social ideals and obligations. The following are illustrative: First Corinthians 7:22-24; 12:13-14; Ephesians 6:5-8; Colossians 3:10-11; 4:1; First Timothy 6:1; Titus 2:9; First Peter 2:17-18; 3:8; Romans 10:12; 12:4; 13:7. Thus Professor Hogue.

Despise not the day of small beginnings in Christian political action!

In a time when God's people were politically very weak, the inspired prophet Zechariah (4:10) assured them: "Who has despised the day of small things? For they shall rejoice!"

Meantime, until they themselves developed more political and legal clout – even those unfranchised or disenfranchised Christians should "always pray and not give up." For even unjust political officers ultimately cave in – to such persistent prayer and pressure. Luke 18:1-8.

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[70] A.R. Hogue: *Origins of the Common Law*, Liberty Press, Indianapolis, 1966, pp. 89f.

At that primitive stage of godly political action, the following strategies are freely available to Christians. (1) Personal approaches to officials privately, in writing, or by way of delegations. (2) Presenting Biblical guidelines to civil rulers – as did Moses, Samuel, Nathan, Elijah, Elisha, Isaiah, Jeremiah, Zephaniah, Haggai, Zechariah, Malachi, John the Baptist, and Paul.

Further, there could also be (3) public protests against unrighteousness. In addition, there is the possibility of (4) campaigning for God-honouring representatives in political government. Next, when and where possible, there is (5) the option of oneself running for political office – as did Joseph, Moses, Joshua, Gideon, Daniel, Mordecai and Nehemiah.

The Bible is replete with examples of the above. See, for instance: First Samuel 16:1-13; Second Samuel 2:7; First Kings 1:11f; 13:3f; 18:18-40; 21:20; 22:14; Second Kings 3:14; 9:1f; Esther 7:3f; Proverbs 1:20f; Isaiah 20:1-6; Jeremiah 13:7-27; Ezekiel 24:2-27; Daniel 5:17-28; Matthew 10:14; 14:4; Mark 11:15-17; Acts 4:18-20; 7:51 & 13:50f.

God's Moral Law energized the Early Christian Community

It can be seen also from Early Church History that, even when they were yet very much of a minority in the Roman Empire – Christians still rightly asserted that not just Christians but indeed all men everywhere should subject themselves to the Lordship of Christ and His Law revealed in Holy Scripture. For the singing or reading of God's Ten Commandments (for all men everywhere) in Christian worship services – has had a very long and illustrious tradition, even from apostolic times onwards.

The first congregations of Christians grew out of synagogue worship, where the liturgy was centred round the reading and exposition of the Moral Law – *cf.* Nehemiah chapter 8. Thus Rev. Professor Dr. W.D. Maxwell, in his book *An Outline of Christian Worship*.[71] That Moral Law, of course, had at an earlier stage been derived from Moses. More remotely, it had priorly been derived from Adam – having been given to him by the same **God** of Adam, Noah, Abraham, Isaac, Jacob, Joseph and Moses.

Accordingly, the Early Christian Church itself preserved the place of the Law – even with all of its political implications – in both liturgy and doctrine. This is seen in the New Testament itself, with its insistence 'you shall not murder!' and 'you shall not commit adultery!' Matthew 5:17-21; 15:1-9; 19:16-21; 22:36-40; Romans 3:31; 7:7-25; 8:2-4; 13:1-10; First Corinthians 9:21; 14:21,34; Ephesians 6:1-3; First Timothy 1:8-10; James 1:25-27; 2:8-12; 4:11-12; First John 3:4,22-24; 5:2-3,21; Revelation 12:17; 14:12; 22:14f; *etc*.

Yet this is also seen even in the Early Patristic Church itself – though then still surrounded by a powerful Paganism on every side. Thus, it is seen at the end of the first century A.D.: in the (first) *Epistle of Clement* from Rome to Corinth (*cf.*

[71] W.D. Maxwell: *An Outline of Christian Worship*, Oxford University Press, London, 1958, pp. 3f.

Philippians 4:3). Indeed, it is also seen in the *Epistle of Barnabas* (*cf.* Acts 4:36 & 14:14); and in the various Antiochan *Epistles of Ignatius* (*cf.* Acts 11:25f).

It continued on throughout the second century – as evidenced by the Shepherd of Hermas, by Theophilus of Antioch, by Justin Martyr of Samaria, by Irenaeus of Lyons, by Clement of Alexandria, and by Tertullian of Carthage. It endured further in the writings of Origen, Cyprian, Cyril, and the *Apostolic Constitutions*. Indeed, it continued right down even till the commencement of the Early Dark Ages in the third and fourth centuries – when the beginnings of the Romish mass and other unscriptural traditions of men first commenced being substituted liturgically in the place of the Commandments of God.

It is true that this commitment to Biblical Christocracy was later lost, at the approximately A.D. 600f rise of the papacy. Yet at the time of the Protestant Reformation, Calvin in his *Metrical Decalogue* restored[72] the commemoration of the Ten Commandments in weekly worship. This continued in the 1552 *Book of Common Prayer* of the Reformed Church in England;[73] in the 1618 *Decrees of the Synod of Dordt*;[74] in the 1637 *Scottish Book of Common Prayer*;[75] in the 1645f *Westminster Standards*[76] – and in the 1661 Puritan Reformed liturgy of Richard Baxter,[77] as well as in many other Reformed liturgies right down to the present.[78]

Yet the Apostolic (and the Early-Patristic) Church not merely recited the Lord God's Ten Commandments to herself at her own worship services. In spite of her initially miniscule influence in mundane affairs, she nevertheless even then attempted to get that Decalogue implemented also in the Roman Empire's pagan society at large.

Slowly but surely, the Early Church patiently laboured to get God's Ten Commandments recognized also by the political governments she was bent on transforming – even prior to Rome's nominal christianization at the beginning of the fourth century A.D. Indeed, this can be seen further also from specific apostolic **injunctions** – such as those given at Romans 13:3-12; at First Timothy 2:1-4; at Titus 3:1-2; and at First Peter 2:12-17 (*q.v.*).

During the initial three centuries of the Christian Era, it was only very gradually that first New Testament Christians and thereafter Early Patristic Christians became influential in mundane politics. After A.D. 313f, however, their political influence rapidly increased – *viz.* with the appointment of the Briton Constantine as the first Christian Emperor of the Roman Empire.

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[72] See Maxwell's *op. cit.*, pp. 114f.
[73] *Ib.*, pp. 115n and 149 & 152.
[74] A. Kuyper: *Our Liturgy*, Kok, Kampen, 1911, p. 213.
[75] Maxwell: *op. cit.*, pp. 154f.
[76] See *West. Larg. Cat.* QQ. 91 to 153; Westminster's *Sum of Saving Knowledge* (in its entirety); and the *Westminster Directory for the Publick Worship of God* (in paragraphs 2 & 4 of the section on *Publick Prayer before the Sermon*).
[77] Maxwell: *op. cit.*, pp. 137f.
[78] *E.g.*, many of the Reformed Presbyterian churches throughout the World – and specifically in: the Christian Reformed Church and the Protestant Reformed Church in the United States and Canada; the various Reformed denominations in Holland and Germany; all the various Reformed denominations in South Africa; and in many Episcopalian churches throughout the World; *etc*.

Till then, the Church was usually an "illegal" association – often even proscribed by law. Christianity was then always discouraged, and often strongly persecuted – *viz.* by the Pre-Constantinian Roman State. Before Constantine, Christians had very powerful and very influential enemies. Yet, from very small beginnings, the Early Church nevertheless went forward – even in this regard – from strength to strength.

At first, the Church struggled for survival – especially against resistance from Judaists. Indeed, it was precisely through Judaistic hatred of Christianity that the embryonic Early Christian Church was nearly wiped out – humanly speaking – just before and on Good Friday and Easter Sunday. Matthew 27:1-25 & vv. 62-66 & 28:11-15; *cf.* John 20:19.

However, Christians then took fresh courage from the victory of Christ's resurrection. Their courage was strengthened especially after the energizing events of Pentecost Sunday, seven weeks later. Luke 24:37f,46-53 & Acts 1:5-8 & 2:1-47. Interestingly, also the Judaists believed that Pentecost was to celebrate God's giving of His Law to all of the nations even on Mount Sinai – and on Pentecost Sunday, God certainly re-inscribed His Moral Law deeply into the hearts of Christians then gathered from very many nations.

Christianity then grew rapidly – initially, and especially – by absorbing converts from Judaism. Acts 2:1,5,10f,14,22,36,39; 4:1-4; 5:14f; 6:1f,7; *etc*. Indeed, it successfully triumphed over all the attempts of Judaists in Palestine and elsewhere to thwart it (through imprisonments *etc.*) – between A.D. 33 and 66f.

Especially during that period A.D. 33 to 66f, the Church learned to live under tribulation – by clinging to the wonderful promises made to her, and given for her, as contained in the written Word of God. See: Acts 4:3f; 5:17f; 8:1-3; 9:1-2,23f; 12:1f; 13:6f; 13:45f; 14:4f; 14:9f; 17:5f; 18:12f; 19:13f; 21:11,21,27f; 22:22f; 23:2f; 25:2f; 26:2f; 28:17-29; Second Corinthians 11:24; Galatians 1:13f; First Thessalonians 2:14-16; Hebrews 10:32f; 11:34 to 12:7; 13:10-14; Revelation 2:9-10; 3:9-10; 11:2-8.

The promised advance of Christianity throughout the World

Even in Old Testament times, God had already promised that the (New Testament) Church would, after the first advent of the Messiah – gradually expand. The Gentiles **would** get converted. Then, after centuries of Roman-Romish resistance, the preached and practised Gospel would finally conquer all nations everywhere. See: Genesis 12:2f; 17:1-16; 22:17f; 26:4f; 49:8f; Numbers 24:17f; Psalms 22:25-31; 72:5-19; 110:1-3; Isaiah 2:1-4,17-20; 11:1-14; 60:2-22; 61:1-11; 62:2-7; 66:22f; Daniel 2:31-45; 7:13-27; 12:1-13; Micah 4:1-13; 5:2-17; Malachi 1:11-14; *etc*.

In Gospel times, God now re-inforced these expectations with fresh New Testament promises for His beloved Church. Matthew 6:10; 12:46-47; 17:20-21; Luke 24:45-49; Acts 1:5-8; 2:16-21,30-35; 13:46-47; 28:23-28; Romans 11:12-15,25-32; First Corinthians 15:24-28; Revelation 3:9-10; 5:7-13; 7:9f; 15:4; 21:24-26; *etc*.

In 66 A.D., just before and especially right after the Christian exodus from the doomed "Egypt" of Jerusalem when it became surrounded by Roman armies (Matthew 24:15-28 *cf.* Revelation 11:1-8f), the Christians no doubt took fresh courage

from Bible passages like those listed immediately above. They also took fresh courage from passages in the Book of Revelation designed to fortify them against the onslaughts which, from those Neronic times onward (A.D. 64f), had just started to be launched against Christians by the Romans themselves.

Those onslaughts would increase – throughout the ten Pagan Roman persecutions of Christianity, during the period A.D. 64 to 312. Nevertheless, they would finally result in the increasing triumph of Christianity throughout the Roman Empire – in Constantinian and Post-Constantinian times. Revelation 2:25-28; 3:7-12; 6:2-17; 11:3-15; 12:4-11; 17:8-14; 18:10-24; 19:11-21; 20:1-4; 21:24-26; *etc*.

Through divine disclosure, the Early Church was also enabled to foreknow that – after Constantinian and Early Post-Constantinian times – a great (essentially papal and Islamic) apostasy from Christianity would follow. God had revealed this not only to the Old Testament Church, but especially also to the Apostolic Church. For the antichristian 'man of sin' alias the false prophet-priest-king (both papal and Islamic) would later arise to rule even from the throne(s) of the nominally-christianized Roman Empire itself – to test and toughen true Christians, and to teach them patience. Daniel 2:7:20-25; 8:23-25; 12:6-11; Second Thessalonians 2:2-9f; Revelation 13:1-16; 14:9-12; 16:10-13f; 17:1-7; 18;2-4,21f.

Yet the Early Church was enabled also to foreknow that ultimately even these antichrists would be destroyed – precisely by the courageous and sustained preaching and/or faithful practising of the powerful Gospel. It was further shown that all lands would ultimately get converted to Christ as a result. Daniel 7:25-27; 12:12-13; Second Thessalonians 2:8 to 3:1f; Revelation 13:16; 14:6-8,12-13; 15:2-4; 17:14f; 18:10-24; 19:11-21; 20:1-4; 21:24f.

The *Westminster Standards* on Christianity's promised advance

We ourselves insist that the 1645f *Westminster Standards* purported to give – and indeed succeeded in giving – an accurate **summary** of the above-mentioned Biblical teaching of the Israelitic and Apostolic Scriptures. Consequently, we claim that the teachings of the *Westminster Confession* were and are – the teachings of Ancient Israel and her successor (the New Testament Church).

Declares that *Confession*:[79] "It is lawful for Christians to accept and execute the office of a magistrate, when called thereunto.... They ought especially to maintain piety, justice and peace, according to the wholesome laws of each commonwealth.... For that end, they may lawfully, now under the New Testament, wage war upon just and necessary occasions....

"It is the duty of people to pray for magistrates (First Timothy 2:1-2), to honour their persons (First Peter 2:17), to pay them tribute and other dues (Romans 13:6-7), and to be subject to their authority for conscience sake (Romans 13:5 & Titus 3:1).... Much less hath the pope any power or jurisdiction over them in their dominion, or over any of their people; and least of all to deprive them of their dominion or lives, if

[79] *West. Conf.* 23:2-4.

he shall judge them to be hereticks or upon any other pretence whatsoever (Second Thessalonians 2:4 & Revelation 13:15-17)."

The *Confession* later goes on:[80] "The purest churches under Heaven are subject to mixture and error, and some have so degenerated as to become no churches of Christ but synagogues of Satan. Revelation [2:9f & 3:9f *cf.*] 18:2 and Romans 11:18-22. Nevertheless, there shall always be a Church on Earth, to worship God according to His will. Matthew 16:18; Psalms 72:17 & 102:28; Matthew 28:19-20. There is no other Head of the Church but the Lord Jesus Christ. Colossians 1:18 & Ephesians 1:22. Nor can the pope of Rome in any sense be head thereof, but is that antichrist – that man of sin and son of perdition that exalteth himself in the Church against Christ, and all that is called God. Matthew 23:8-10; Second Thessalonians 2:3-9; Revelation 13:6."

Also the *Westminster Directory for the Publick Worship of God* urges Christians: "To pray for the propagation of the Gospel and Kingdom of Christ to all nations; for the conversion of the Jews; the fullness of the Gentiles; the fall of Antichrist; and...for the deliverance of the distressed churches abroad from the tyranny of the Antichristian faction and from the crule oppression and blasphemies of the Turk" alias the menace of Islam. This is stated thus, in the *Directory*'s section 'Of Publick Prayer before the Sermon.'

To that, the *Westminster Larger Catechism* adds[81] the following happier note. It does so, in its exposition of the "***Lord's prayer***" – which Christ would have His disciples pray each day.

It declares: "In the second petition [of the *Lord's Prayer*] – which is 'Thy Kingdom come!' – we pray that the **kingdom of sin and Satan may be destroyed** (Psalm 68:1,18 & Revelation 12:10-11); **the Gospel propagated throughout the World** (Second Thessalonians 3:1); **the Jews called** (Romans 10:1); **the fullness of the Gentiles brought in** (John 17:9,20 & Romans 11:25-26 & Psalm 67); **the Church...purged from corruption** (Malachi 1:11 & Zephaniah 3:9); [and] **countenanced and maintained by the civil magistrate** (First Timothy 2:1-2)." See Matthew 6:10.

It then concludes its explanation of this model prayer for Christians. At practically the very end even of the *Larger Catechism* itself, it explains:[82] "In the sixth petition, – which is...'Deliver us from evil!' – we pray that God would so **over-rule the world and all in it**...and restrain Satan...[so] that: our sanctification and salvation may be perfected; [and] **Satan trodden under our feet** (Romans 16:20 & Zechariah 3:2 & Luke 22:31-32)...**for ever**." See Matthew 6:13.

See, for a much fuller statement of all the above, especially F.N. Lee's publication *Will Christ or Satan Win This World*? That purely rhetorical question is there and then

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[80] *Ib.* 25:5-6.
[81] *West. Larg. Cat.*, Q. 191.
[82] *Ib.*, Q. 195.

answered in its sub-title: *On the Increasing Christianization of the Great Straight Planet Earth.*[83]

The Early Church knew how she would gain the victory over the World

Now the New Testament Christians also foreknew that their **way** to ultimate victory – over (first), the Judaists; (second), the pagan Romans; and (third), the later Romish antichrist and the false-prophet of Islam – was by and through their own obedience to God and His Ten Commandments. For God had told them: "Honour your father and mother, which is the first Commandment with promise – so that it may be **well** with you, and so that you may live **long** on the Earth!" Ephesians 6:3.

Those Early Christians knew they should optimistically heed God's Law – also when then still politically powerless, and later too when even ecclesiastically ignored. See: Matthew 5:5-21; 19:16-21; 22:17-21; Romans 13:1-10; First Corinthians 9:19-22; Galatians 5:16f; Ephesians 4:24-32; 6:1-4; Colossians 3:1-14; Second John 7-11; Third John 9-11; *etc*. They knew that the Holy Spirit in them was greater than the unholy spirit in the world. First John 4:1-4 & 5:4f. Indeed, they also knew that the sustained and powerful preaching and practice of the Spirit-filled Word of God – would finally demolish all the antichrists. Second Thessalonians 2:8 to 3:1f and First John chapters two through four.

Even when still without any political representation in the Roman Empire, those Early Christians nevertheless constantly prayed even for the Imperial Government – and sought to encourage even the latter to live by the Decalogue. See: Romans 13:1-9; First Timothy 2:1-2; Titus 3:1-2; First Peter 2:13-17. Too, the Early Church knew that ultimately the Roman State – and thereafter every other State in every country on Earth – would one day capitulate to the Church's proclamation of the Law of God and the Gospel of Christ. Indeed, the Early Church also knew that – in time – Decalogue-obeying Christian States would one day arise, increasingly to replace all pagan governments.

The Early Christians also knew that even after a future apostasy within the Church herself – and also after the unmasking of the ecclesiastical antichrist and the false-prophet – that the latter too would finally be overcome. That victory would be effected by triumphant Gospel-proclaiming Christians, living in the power of the indwelling Spirit of Christ, and in obedience to the Holy Law of God.

Indeed, the Early Christians further knew that, after the collapse of the various first little antichrists – and the latter collapse even of the later great antichrist who would rule even in the Church of God – all nations and all States would one day bow the knee to King Jesus and adopt His Holy Law. For thus the nations would learn – and shall yet learn – to live in blessed international harmony with one another. See: Psalms 2:1-9; 22:26-32; 67:1-7; 72:1-19; 110:1-3; Isaiah 2 & 11 & 65 & 66; Daniel 7:25-27 and First Corinthians 15:24f.

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[83] F.N. Lee: *Will Christ or Satan Win This World*? (Jesus Lives, Wavell Heights, Australia, 1981).

"And I saw...those who had gotten the victory over the beast." They sing the song of Moses the servant of God, and the song of the Lamb, saying: "Great and marvellous are Your works, Lord God Almighty; just and true are Your ways, You King of nations! Who shall not fear You, O Lord, and glorify Your Name? For You only are holy.... All nations shall come and worship before You!" Revelation 15:4.

All nations shall yet be brought into fellowship with and into membership of the Christian Church alias the City of God. Indeed, "the City has no need of the sun.... For the glory of God enlightens it, and the Lamb is its light. And the nations of those who are saved, shall walk in the light.... And the kings of the Earth bring their glory and honour into it.... And they shall bring the glory and honour of **the nations** into it." Revelation 21:23-26.

We would again refer to the Christian-liturgical use of the Ten Commandments for all people, and for all human institutions – including that of political government. Thus: Jesus; James; Peter; Paul; and John. Thus too: the *Didache*; the *Epistle of Barnabas*; Clement of Rome; Ignatius; Pliny; the *Letter to Diognetus*; the *Shepherd of Hermas*; Polycarp; Justin Martyr; Theophilus; Athenagoras; Irenaeus; Clement of Alexandria; Tertullian; Hippolytus; Origen; Cyprian; Eusebius; Cyril; the *Apostolic Constitutions*; and so on.

This would continue thereafter even for a further few centuries. Thus, see: the three Cappadocians; Hilary; Jerome; Chrysostom; Augustine; Vincent; Leo; and Gregory the Great – until the revelation of the ecclesiastical antichrist alias the Romish papacy and the false-prophet of Islam after A.D. 600.

Thereafter, the Church's optimistic eschatological expectations would slow down – until the Protestant Reformation. At that time, however, they would again revive. Thereafter, in spite of all temporary setbacks, the Church's consciousness of those precious promises has been expanding ever since – and right down to the present. This occurs under the powerful preaching of God's Word, like the repeated blows of a hammer progressively driving nails into planks. Ecclesiastes 12:10-11 & Jeremiah 23:29.

For Jehovah is the Judge of all the Earth. Genesis 18:25 & Psalm 94:2. He is a righteous judge. Psalm 7:11f. Indeed, Jeremiah (11:2)) exclaims: "O Lord of hosts Who judges righteously, Who tries the reins and the heart – let me see Your vengeance on them [the wicked]! For to You I have disclosed my cause."

The fact is that not Satan but **God** rules even the very ends of the Earth. First Samuel 2:10 *cf.* Revelation 20:7f. **He** judges with righteousness. Psalms 11:7 & 35:24 & 99:4; Isaiah 11:4; Jeremiah 9:24. **Christ** is the Judge of the Earth. John 5:27; Romans 14:10; Second Corinthians 5:10. See too: Second Timothy 4:1; First Peter 1:17; Revelation 20:13. Very important too is the concept that this 'judgment' is **already** underway – through our Christian centuries, and even during our own earthly lifetimes. John 3:18 & Romans 1:24.

Biblical principles for a Christian legal and political order

From Holy Scripture, we can certainly glean at least twenty basic legal principles. First, the Bible teaches man the rule of law and its supremacy – even over the Chief Political Officer (Deuteronomy 17:18f). Second, it urges the condemnation of arbitrariness (Ezekiel 18:19f). Third, it requires restitution in respect of all remediable misdemeanours (Exodus 22:1f). Fourth, it prescribes appropriate punishments to fit the various crimes (Exodus 21:22-25).

Fifth, it mandates capital punishment for irreversible felonies (Genesis 9:5f). Sixth, it ordains equal protection by law (Leviticus 24:22), despite entrenched inequality of rights (Deuteronomy 23:3). Seventh, it requires ready ascertainability of the law (Deuteronomy 31:10f). Eighth, it upholds separation of powers (Second Chronicles 26:16f). Ninth, it enjoins checks and balances against tyranny (Daniel 4:30).

Tenth, it stresses the distinction between Church and State under God (Matthew 22:21). "For [judicially] the Lord is our Judge; [legislatively] the Lord is our Lawgiver; and [executively] the Lord is our King." He and He alone will save us! Isaiah 33:22. Consequently, only in Christ – our great Prophet, Priest and King – should all power ever be vested.

Eleventh, it suggests a bicameral legislature – including a regionally representative upper house (Numbers 10:2-4). Twelfth, it recommends a Chief Executive Officer under God – serving wisely *in tandem* with Ruling Elders (First Chronicles 11:3).

Thirteenth, it underscores an independent judiciary (Second Chronicles 19:5-7). Fourteenth, it entrenches the right to a fair trial (Deuteronomy 19:15-19). Fifteenth, an accused is to be deemed innocent till proven guilty (Deuteronomy 1:16f; 17:6; 19:15; John 7:24,51). Sixteenth, appropriate punishments are to be meted out to false witnesses (Deuteronomy 17:7 & 19:18f *cf.* John 8:17f).

Seventeenth, it commends a citizens' army – with the right to bear arms privately (Exodus 22:2 & Numbers 1:2f & First Samuel 25:13). Eighteenth, it champions a decentralized State (Deuteronomy 1:13-17 & Romans 13:1). Nineteenth, it supports a free market economy (Exodus 20:12-17). And twentieth, it presupposes parent-controlled education (Ephesians 6:1-4).

The godly in glory still keep the Ten Commandments

Finally, Christians will always observe God's Decalogue – also throughout their next life. Indeed, also future generations of Christians will keep God's Law here on Earth – as well as on the New Earth to come, and thenceforth for evermore.

For they shall inherit God's Kingdom and His righteousness (Matthew 6:33), and shall serve the Lord God Almighty. Revelation 21:22 & 22:9. *Cf.* the First Commandment. Idolators shall be outside the New Jerusalem (Revelation 22:15). *Cf.* the Second Commandment. Sorcerors shall be thrown into the lake of fire. Revelation 22:15. *Cf.* the Third Commandment. Christians shall enter into God's rest and His everlasting sabbath. Psalm 95:11; Isaiah 66:23f; Hebrews 4:11; Revelation 14:13. *Cf.*

the Fourth Commandment. Indeed, they shall be peacemakers. Matthew 5:9,12. *Cf.* the Fifth Commandment.

All murderers shall be outside the City of God, in the pool of burning brimstone where they have no rest night or day. Revelation 14:11; 22:15; Isaiah 57:20f. *Cf.* the Sixth Commandment. No whoremongers but only the pure in heart shall see God. Matthew 5:8; First Corinthians 6:9; Revelation 21:8. *Cf.* the Seventh Commandment. No thieves shall inherit the Kingdom. First Corinthians 6:10. *Cf.* the Eighth Commandment. Outside the heavenly city are all who love and make lies. Revelation 22:15. *Cf.* the Ninth Commandment. Indeed, the greedy shall be lost, while the hungry righteous shall be satisfied forever. Matthew 6:6 & First Corinthians 6:10. *Cf.* the Tenth Commandment.

Those whom Christ justified, by His grace themselves keep the Covenant. They continue to execute the Dominion Charter, and strive to obey God's Ten Commandments. Indeed, they shall reign with Him as kings – for ever. See: Genesis 1:28; 17:6f; Psalm 8:1-8; Revelation 21:24-26; 22:5.

However, all covenant-breakers and despisers of God's Moral Law – shall be cut off from God and His people. For all eternity. Genesis 2:17; 17:14; Revelation 14:9-11; 19:20; 20:12-15; 21:8; 22:15.

Summary of the Biblical Data concerning the Common Law

We summarize. The Bible testifies that only the Triune God always was and always shall be righteous – from all eternity past, and unto all eternity future. This righteousness of God – this "strict adherence to the Law" (Berkhof) – is to be reflected throughout the universe, but especially in man as God's unique image. For God **is** righteous (according to both the Old and the New Testaments). Thus, also His **image** man needs to be righteous.

This Triune God has always governed Himself in a free **confederacy** – from all eternity past. There always has been a perfect government – among the three eternal and divine Persons within the Triune God Himself.

God towers above His various created laws – which all reflect something of His very own essence. All His creatures should obey those various laws. He rules over all; rewarding the obedient and punishing transgressors; always giving every rational creature exactly what he or she deserves.

The Triune God is the Root of the Decalogue for all mankind. Man should obey His special norms, including those governing juridical behaviour. As God's image and according to the **Law of Nature** given by God, unfallen man obeyed sinlessly – individually; socially; and totally – in the confederate structure of his sinless fellowship with the Creator Who endowed him.

Unfallen man kept the Ten Commandments. These were all reflected in the dominion charter, the sabbath, the prohibition of forbidden fruit, the tree of life, and marriage. Salvation was never by man's own works of keeping the Decalogue. But he

was to obey – out of gratitude for God's gift of life. All of this is well expressed in the *Westminster Standards*.

We then dealt with the impact of man's fall upon his obedience to the God-given Law, and traced the Decalogue from the fall to the flood. When Adam broke God's Law, he fell from his pristine human rectitude. Thus he came under God's just condemnation – individually; socially; and totally. All successive events (both human and divine) – also in law courts and in history – announce the approach of the final Great Assize on God's Last Day.

In His mercy, however, God promised fallen man a Saviour – to bear his punishment for him, as his Substitute. This no way provides a **juridical** pardon for guilty criminals in this life. It far rather requires their juridical punishment before tribunals – even if criminals are penitent; and indeed even if they get converted to Christ.

This is seen in the judgment of the great flood during the days of Noah. It is seen also in the embryonic institution of all human law courts – with their judicial penalties, as initiated immediately after that flood.

So, even after the fall and under the Noachic Covenant – human government was firmly entrenched by a system of courts and prescribed punishments. Though flouted by the cosmopolitan dictator Nimrod, God re-asserted and developed these institutions among the various nations – after His destruction of that humanistic World-Empire at the tower of Babel.

God made Noah righteous, as a type of Christ the Second Adam. The destruction of the tower of Babel marks the origin of the **Law of Nations**. Thereafter, the primordial laws of the Japheth-ites living in the "tents of Shem" – particularly those of Japheth's firstborn son Gomer alias the father of the Cymric Britons – long remained pure. Also amidst Shem's descendants the early Shem-ites – there were many traces of the Decalogue, especially among the postdiluvian patriarchs.

Regarding the laws of the Shem-ites, the Syrian Ebla or Tell-Mardikh tablets have now helped date Abraham earlier than had been thought until quite recently. The degenerated *Codex Hammurabi* of Babylonian Mesopotamia apparently only came later. Hebrew Law is clearly superior to the law of that *Codex*. For, unlike Hammurabi, Abraham and his immediate descendants kept God's Laws and Commandments.

Even in Pre-Mosaic times, godly government was by and through the ruling Eldership. This will continue – right down into glory itself. Abraham observed and taught God's laws and statutes to his large household (through his ruling Elders *etc.*) . His godly descendants subsequently did exactly the same. In spite of later degeneration, remnants of this primordial presbyterial government – even in pagan politics – can still be traced.

Early Hebraic government was thus administered through confederated Elders. Especially the Book of Exodus outlines their qualifications. This Office had political implications, as too did the Mosaic Decalogue. Thus Owen, Zahn, Bergema and Van Ruler.

The Mosaic Laws are important. For God still requires Gentile Christians to observe their general equity. *Westminster Confession*, 19:4. The Mosaic Law provides details for human government. The early prophet Samuel warned Israel to heed that Law and to spurn the royal whims of the surrounding pagans. And the later prophets (such as David and Solomon and Isaiah *etc.*) describe punishments for transgressing that Law.

The Mosaic *lex talionis* was always compensatory and never vindictive. Before the later Monarchy, the Hebrew tribes were confederated into a Mosaic Commonwealth. The franchise was always qualified and never mob-ocratic. Yet, after the days of Moses, the political government of the Old Testament Hebrews deteriorated. With the very notable exception of the Gomeric Britons ammong the Japhethites, there was however an even greater degeneration of law – among the Pre-Christian Gentiles. For they declined into Paganism.

We then looked at the Person and teachings of Jesus regarding the Ten Commandments, and also at Christ's teaching on political government. Jesus insisted He had not come to destroy either the Law or the Prophets, but to bring them both to completion. Matthew 5:17f. Far from annul, He often corrected the Pharisaical perversion of those laws (*cf.* Matthew chapter 15).

After Christ's substitutionary atonement in the place of His elect, He keeps on convicting the world – about sin and righteousness and judgment to come. Thus penitent Christians become law-abiding citizens of God's Kingdom, right here and now. For like mankind in general, Christians in particular will always be required to keep the Ten Commandments.

The teaching of the New Testament Church has implications also for political government, especially through the hands of competent Officers. The Law is of great importance in the teaching of the Apostles, and the Decalogue remains a chief instrument in promoting the advance of Christianity.

For Christ's own Apostles – according to the 'rule of law' and in connection with the 'law of liberty' – re-inforced their Master's legal teaching. They did so, and their ministerial successors still do this – in relation to the eternal and indeed everlasting principle of triune confederation. Also the whole of Early Church History from Clement of Rome (*circa* 100 A.D.) till Gregory of Rome (*circa* 600 A.D.), constantly testifies of the need on Christians' way toward ultimate victory – to subjugate even politics and law to the Lordship of Christ.

Confederation remains the desirable pattern for Christian action. The Law energized the Early Christians who believed in the promised advance of Christianity throughout the World. Indeed, apostolic and patristic Christianity was committed to a christocratic eschatology. Such will ultimately destroy the antichrist, and christianize even every State – throughout the whole World.

Early Christians further knew **how** they would gain the victory over the world – through their grateful obedience to the Law of God. Also the *Westminster Standards* reflect on Christianity's promised advance in this way. Indeed, in the Bible itself there are easily discoverable and formulatable principles – with which one should build a Christian legal and political order.

Such principles include those of: the rule of law; the condemnation of arbitrariness; restitution; the punishment to fit the crime; and capital punishment for irreversible felonies. They also include: equal legal protection of unequal rights; easy ascertainability of the law; separation of powers; checks and balances against tyranny; distinction between Church and State; bicameral legislatures; and executive officers under God ruling *in tandem* with ruling elders.

They further include the principles of: independent judiciaries; the right to a fair trial; accused persons to be deemed innocent till proven guilty; and appropriate punishments for false witnesses. Finally, they further embrace: the citizens' right to bear arms; a clearly decentralized State; a free market economy; and parent-controlled education of their own children.

For God has thus far shaken up our World in judgment after judgment, down throughout history. All things, however, ultimately work together to **expand** His Kingdom. Indeed, all human actions ultimately predict, and indeed require, also a Final Judgment – and the subsequent emergence of a New Earth on which righteousness shall dwell forever. For even in glory, the godly will still keep the Ten Commandments.

CH. 3. CHRISTOCRACY BEFORE CONSTANTINE: GOD'S LAW WITHSTOOD!

It was in A.D. 313 that the Briton Constantine became the first Briton and indeed also the first Christian to rule the (formerly pagan) Roman Empire as its Emperor. Soon thereafter, Constantine started enacting Christian laws – in order to help improve the character of the territorities he now controlled.

Before Constantine became Emperor, Christians were discriminated against throughout the Roman Empire all around the Mediterranean. his was the case not just in New Testament and Pre-Constantinian times (before 313f A.D.). Indeed, even throughout much of Old Testament times too – the Church of God everywhere here on Earth was a mere minority; a persecuted people; and a struggling segment of society.

Even in the "B.C. days" prior to Jesus Christ's incarnation, the people of God were often a "Church in the wilderness." *Cf.* Acts 7:38. She often had to live without any meaningful political influence. Then too, she was often under pressure or persecution from tyrannical or pagan governments. Exodus chapters 1 to 12; Second Kings chapter 25 through to Esther chapter 10; Jeremiah chapter 32 through to Daniel chapter 12; Haggai chapter 1 through to Malachi chapter 4; and Matthew 1:11-12.

This continued also after Christ's incarnation. It endured, at least until the accession of Constantine in 313f A.D. Luke 2:1f; 3:1f; 21:12-14; Acts 7:5f,19f,34-38,51-52f; First Thessalonians 2:14-16f; Revelation 11:2f; 12:6f; 13:5f; 18:4.

Thus, before the great flood, the tiny church of Enoch (and later the tiny church of Noah) had to live in an ungodly and a violent age. Jude 14-15f *cf.* Genesis 6:5-12f. Before the Exodus, Moses and his people were under the thralldom of Pharaoh. Psalm 105:23f. Even in the time of the Judges, Israel was often under the Canaanites or the Philistines *etc*. Hebrews 11:32-35.

There was, very thankfully, a brief respite – especially between the times of Joshua and Solomon when Israel was independent. Yet after the Assyrian captivity, the ten tribes of Israel were permanently banished. Second Kings 17:6f. Only Judah and also Benjamin thenceforth retained their freedom (however shakily).

Then, after the Babylonian captivity – immediately followed by the Medo-Persian captivity and the Hellenic tyranny – except for a brief period of freedom under the Maccabees, the Judeans were constantly under foreign pagan political domination. See the books of Ezra through Malachi.

This culminated with the increasing oppression of the greatest tyranny of all – *viz.* that of Pagan Rome. It commenced against the Judeans around 63 B.C., and resulted in the total physical destruction of Jerusalem in the terrible years of 66 to 70 A.D. Daniel 7:7f; 9:26f; 11:30f; Matthew 24:9-15f.

Yet throughout all those terrible times, God sustained His Old Testament Church – even through her faithful commitment to the then-future Messianic or Christocratic

eschatology. Thus, God enabled her even in such perilous periods to keep on trusting Him – and to keep on working faithfully toward the ultimate advent of a sustained time (in the yet-future) when all nations would worship the Triune *J^ehovaah ʾElohiym*.

For ultimately, all governments would and shall submit to Him, in terms of His Decalogical Law – when the whole World will surely become filled with the glory of the knowledge of Jehovah, like the waters cover the sea. Psalms 2 & 22 & 72 & 110; Isaiah 2 & 11; Daniel 2 & 7; Micah 4; Habakkuk 2.

Judaism and Druidism on Christ's Law from His death till Nero's persecutions

At the death of Jesus, converts to Christianity replaced apostate Judaists as the true people of God. Matthew 21:43f; Acts 15:14-17; Matthew 8:5-12. Seven weeks later, the visible Christian Church was born as the New Israel on Pentecost Sunday. Romans 2:28-29 & Galatians 6:15-16.

The Old Israel, now judaized and rejected, would ultimately be christianized and reclaimed – **after** the salvation of all the Gentile nations in the yet-future. Romans 11:12-32. Meantime, in spite of the fulfilment and abrogation of the ceremonial law at Calvary, the Church – broadened and internationalized – now inherits all of the very many christocratic eschatological promises first made for the Old Testament people of God. See the end of the previous paragraph above.

The risen and ascended and enthroned Messiah would and will keep on ruling and keep on saving the nations – until He has subjugated all His enemies, and until Christ has become all things in all people. First Corinthians 15:24-28. "Who shall not fear You, O Lord, and glorify Your Name? For You alone are holy. For all nations shall come and worship before You." Revelation 15:4.

Indeed, "the nations of them which are saved shall walk in the light" of the City of God. "And they shall bring the glory and honour of the nations into it." Revelation 21:23-26.

But all of this would occur only after the expansion of the people of God – as a result of a long and protracted struggle. This would greatly vary in difficulty, from one place and age to the next – even from Old Testament times onward.

As Rev. Professor Dr. J.H. Kurtz remarks in his great work *Church History*,[1] the early pagan Roman "Law of the Twelve Tables" had already forbidden the exercise of foreign modes of worship within the Roman Republic. That would become intensified, under the yet-greater Paganism of the Roman Empire (until Constantine).

There, it was enacted firmly that 'the meetings of foreign religions are illegal' – *religiones peregrinae collegia illicita*. For religion was regarded as being exclusively an affair of the Roman State. It entered most intimately into all civil and municipal relations.

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[1] J.H. Kurtz: *Church History*, Hodder & Stoughton, London, 1894, I p. 75.

On this account, whatever endangered Rome's national religion – was regarded strictly as necessarily imperilling the Roman State itself. Neverthless, political considerations led to granting nearly all conquered nations the free use of their own forms of worship as what Rome called a *religio licita* alias a permitted religion.

Yet this freedom was not accorded to Anti-Roman Druidism. That, though headquartered in Celtic Wales, was then found both outside of the Roman World throughout the Western Isles of Britain and Ireland as well as inside the Roman World (in Belgium and Gaul alias France and in Northern Spain and Northern Italy).

Druidism was somewhat **similar to the Ancient Hebrew Religion** theologically – being highly ethical (and even somewhat trinitarian and therefore supra-imperial). See Origen's *Against Celsus*, I:16. In addition, Druidism was also very strongly Pan-Celtic. Above all (from Rome's point of view), it was vehemently Anti-Roman.

The B.C. 55f Julius Caesar noted that Druidism was **headquartered in Free Britain** – and also strong in Gaul and other territories then being conquered by the Romans. See Caesar's *Gallic Wars*, 6:13f. Fearing its power, Julius's successor the B.C. 27f Augustus Caesar condemned the practice of Druidism by Romans themselves. See: Suetonius's work: *The Twelve Caesars*, 2:25 & 2:62f.

Druidism was abolished altogether, and to all categories of subjects, throughout the Roman Empire – by the A.D. 41f Claudius Caesar. *Ibid.*, 5:2-25. From that point onward, Pagan Rome sought to prevent even the Celts from practising their Druidism. Indeed, after the beginning of the Pagan Roman invasion of Free Britain in A.D. 43 – the World's leading Druidic Theological Seminary (located in British Anglesey) was at length destroyed by the Romans, around A.D. 59f. That was done in the reign of the A.D. 54-68 Nero Caesar. Tacitus: *Annals*, 14:29f.

The then-spreading international influence of Britain's Anti-Roman Druidism was one of the main causes of the War of Roman Aggression against Britain from A.D. 43-84f. At that very time and beyond, both in Ancient Britain as well as in Ancient Gaul, Druidism was also one of the main causes promoting the rapid growth of Anti-Roman Christianity – toward which Biblical Christianity from Judah, Druidism was generally very sympathetic.

Especially in first-century Britain, Druidism paved the way for the spread of the Gospel. Indeed, even during Druidism's own destruction – its destruction at the hands of Caesar's Pagan Romans in 'Occupied Southern Britain' from A.D. 43 to 84f onward – Druidism gladly yielded to (and strongly promoted) precisely Christianity as its anticipated successor in that land. Later, also in Ireland, the druids flocked into the Church.

Christ's Law from His death till Nero's persecutions

Unlike Druidism, however, the religion of Judaism was long given favoured treatment by the Romans[2] – being tolerated in Rome itself, and also in other regions under Roman control. That toleration and generally favourable treatment lasted from the B.C. 165f Maccabean times onward (when the Romans first came into contact with the Jews) – right down almost till the beginning of the A.D. 66-70 Romano-Jewish Wars. *Cf.* Daniel 11:30f to 12:1-11 & Matthew 24:15. Throughout that crucial period of time – the expulsion of Jews only from Rome itself A.D. 19 (under Caesar Tiberias), was short-lived.

Professor Kurtz further explains[3] that the statement in Acts 18:2 that the (A.D. 41-54) pagan Roman Emperor Claudius expelled all Jews from Rome – and with them also many Hebrew Christians – is illustrated in a very circumstantial manner. Explains the *circa* A.D. 69-140 Pagan Roman Historian Suetonius: "Through an assiduous impulse, [the Emperor

Caesar] Claudius expelled from Rome the Jews who were in tumult with Christ." *Claudius Judaeos impulsore Chresto assidue tumultuantes Roma expulit.* It was the tumults in Rome between Judaists and Christians, explains Kurtz, that gave occasion to this decree.

Nevertheless, this expulsion did not affect the freedom of Judaists (or even of Hebrew Christians) to practise their religion in the rest of the Roman Empire outside the City of Rome itself. Moreover, that decision to expel was soon reversed. See: Acts 18:2 & 19:21 & 28:16-31 *cf.* Romans 16:3-5. Consequently, both Jews and Christians – which latter were then still regarded by the Romans as but a Jewish sect – were fully tolerated by the Romans within their Empire as such, until Late-Neronic times around A.D. 64f.

As the great Presbyterian Church History Professor Rev. Dr. Philip Schaff observes in his famous *History of the Christian Church*,[4] the Roman Empire was at first by its laws of justice the protector of Christianity – without knowing its true character. At that time, it came to the rescue of Paul on several critical occasions – in Corinth through the Proconsul Annaeus Gallio (*cf.* Acts 18:17f); in Jerusalem through the Captain Lysias (Acts 23:26f); and in Caesarea through the Procurator Festus (Acts 25:12f).

However, all this changed – right after the A.D. 64 Neronic burning of Rome. For at that time, Nero was persuaded (apparently by Judaists such as his own Jewish wife Poppaea Sabina who died in A.D. 65) maliciously to blame Christians for all mishaps. Certainly Caesar Nero himself starting that conflagration, and lyingly blamed the Christians for doing so. This then soon led to the first-ever Roman persecution of Christians as such (as quite distinct from Judaists).

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[2] Thus Vallentine's *Jewish Encyclopedia*, Shapiro & Vallentine, London, 1938, p. 555.
[3] *Op. cit.*, I p. 77.
[4] P. Schaff: *History of the Christian Church*, Eerdmans, Grand Rapids, 1968 ed., I, p. 377.

God's Law survives the A.D. 63 to 70 Great Tribulation

Schaff further declares[5] that Nero decided to divert from himself the general suspicion of his own incendiarism. So he then wickedly blamed his own burning of Rome upon the widely mistrusted Christians.

They, especially since the public trial of Paul and his successful labours in Rome, had come to be distinguished from the Jews as a 'third race' (or a *genus tertium*). Even such cultured Romans as Tacitus, Suetonius and Pliny stigmatized Christianity as a pestiferous superstition. It then appeared to them to be even worse than Judaism – which was at least an ancient national religion. For Christianity was then perceived by them to be novel. It was detached from any particular nationality – yet it still aimed at universal dominion!

Accordingly, a vast multitude of Christians was from then onward put to death in the most shocking manner. The Christians rather than the Jews were the sufferers. For Nero was not averse to the Jews. As already pointed out, even his second wife (Poppaea Sabina) was a Jewess.[6] Moreover, a year before the conflagation, she had shown some special favours toward the famous Non-Christian Jewish Historian Flavius Josephus.

It is not unlikely that in this – as in all previous persecutions of Christians, and also often afterward – fanatical Jews had become enraged by the rapid progress of Christianity. Anxious to avert suspicion from themselves, those fanatical Judaists then stirred up the Roman people against the misunderstood and mistrusted Christians.

The heathen Romans thus fell with double fury especially upon the Hebrew Christians – those religionists disowned by their own apparent 'brethren' the (also now reprehended) Judaistic Jews. So Ewald and Renan. The latter ingeniously conjectures that the 'jealousy' to which Clement traces the persecution, refers to the divisions among the Jews about the Christian religion. Thus too Professor Schaff, discussing the sixth chapter in Clement of Rome's A.D. 95f *First Epistle to the Corinthians*.

Also, with the Jerusalem rebellion in Palestine against Rome in the years just before A.D. 66 – Roman toleration had diminished as regards even Judaism. Its toleration therefore simultaneously diminished also as regards Christianity – which the Romans particularly in Palestine by and large still viewed as a Jewish sect.

Things were difficult for both Jews and Christians at the hands of the Romans throughout the Empire, during the Roman siege of Jerusalem from A.D. 66 to 70. But their positions worsened especially after 70 A.D. For pagan Rome – once having crushed the Jews – then suddenly realized that Christianity, still increasing everywhere throughout the Empire, was quite distinct from crushed Judaism. In fact, Christianity was now seen as constituting a long-term threat even to pagan Rome itself.

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[5] *Ib.*, pp. 380f.
[6] See Josephus: *Antiq.* 20:8:11.

Schaff rightly remarks[7] that after A.D. 70, Rome furiously increased its attacks upon Christianity. Now pagan Rome rushed into deadly conflict against the new religion – and opened, in the name of patriotism, a series of intermittent persecutions which ended at last in its own defeat against the banner of the cross – at the Milvian bridge at the beginning of the fourth century A.D. Formerly a restraining power withholding for a while the outbreak of the later papal Romish Antichrist – pagan Rome, not as the preterists teach in A.D. 66f but only after A.D. 70, herself assumed the character of the forerunner of that Antichrist.

It is so represented in the Book of Revelation (chapters 13 to 18) – after the Neronian persecution. In Second Thessalonians 2:6f and Revelation 13, [many of the Early Church Fathers such as Irenaeus and Tertullian and also] mediaeval sects and many Protestant writers found the great apostasy in the Romish papacy [as the successor to Pagan Rome]. Indeed, there is a repeated and growing fulfilment of this and other prophecies – on the historic basis of the apostolic age and the Old Roman Empire. Thus Professor Schaff.

Professor Kurtz claims[8] it was under the Pagan Roman Emperor Domitian (A.D. 81 to 96) that individual Christians were subjected to confiscation of goods and banishment for 'godlessness' (alias the refusal to conform to the national religion). It was during this time, if not even earlier – claims Kurtz – that the Apostle John was banished to Patmos.

However, the philanthropic Nerva Caesar (A.D. 96 to 98) did not listen to those who clamoured bitterly against the Christians. Yet Christianity continued after, as well as before, to be a *religio illicita* (alias an 'illegal religion') within the Roman Empire. Indeed, Christianity was now regarded as an 'illegal religion' by the Romans precisely after it had been perceived as being distinctly separate from the previously 'legal' Judaism.

Nevertheless, Christianity survived her first Roman persecution at the hands of Nero – and her subsequent Roman persecutions at the hands of later pagan Roman Emperors such as Domitian, Decius and Diocletian. Indeed, she not only survived. Committing herself to Christocracy (alias "Rule by Christ's Law") – she went ahead, from strength to strength.

Christocracy in the *Teaching of the Twelve Apostles* alias the *Didache*

We must now deal with the earliest post-canonical writings of the Christian Church. These are attributed either to the Apostles themselves – or alternatively to those about whom the Apostles wrote. Such writings include, perhaps around 97 A.D., the *Didache* (alias the 'Teaching of the Twelve Apostles').[9]

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[7] *Op. cit.*, I p. 377.
[8] *Op. cit.*, I p. 77.
[9] Compare *Did.* 1:1f with: Acts chs. 1 to 28; Jas. ch. 1; I & II Pet. I to III John, Jude, & Rev.

They also include (perhaps around 98 A.D.) the *Epistle of Barnabas*.[10] They further include (perhaps around 99 A.D.) Clement of Rome's *First Epistle to the Corinthians*.[11] Indeed, they also embrace – perhaps as early as 100 (A.D.) – at least part of the *Epistles of the Shepherd of Hermas*.[12]

Only after giving consideration to the above writings, will we go on to consider subsequent representative Christian documents – from the second century onward, till the emergence of the papacy around 600 A.D. While doing this, we shall also point to their recognition of the Scriptural teaching which we shall call **Christonomic Victory Theology**. We shall do this, even when such recognition is given thereto also in the writings of that maverick and tiny minority of post-apostolic early Christians who were chiliastic.

Declares the approximately 97 (A.D.) *Didache* or the 'Teaching of the Twelve Apostles': "There are two ways, one of life and one of death; but a great difference between the two ways. The way of life, then, is this: First, you shalt love God Who made you.... And the second commandment of the 'Teaching': you shall not commit murder; you shall not commit adultery; you shall not commit paederasty [alias the sexual corruption of young children]; you shall not practise witchcraft; you shal1 not murder a child by abortion, nor kill that which has been begotten. You shall not covet the things of your neighbour; you shall not forswear yourself; you shall not bear false witness."[13] See Exodus 20:2-17.

The writer then turns to the Lord God and His Church, and exclaims:[14] "Baptize into the Name of the Father and of the Son and of the Holy Spirit, in living water! ... Pour out water thrice upon the head, into the Name of Father and Son and Holy Spirit! ... Let Your Church be gathered together from the ends of the Earth into Your Kingdom! For Yours is the glory and the power, through Jesus Christ, for ever.

"Remember Lord, Your Church – to deliver it from all evil, and to make it perfect in Your love and gather it from the four winds [and hence from every single nation], sanctified for Your Kingdom which You have prepared for it! For Yours is the power and the glory for ever."[15]

The *Didache* then further explains that "this is that which was spoken by the Lord [*cf.* Malachi 1:11-14]: 'In every place and time – offer to Me a pure sacrifice! For I am a great King,' says the Lord, 'and My Name is wonderful among the nations.'"

Yet first: "False-prophets and corrupters shall be multiplied.... Then the world-deceiver shall appear as 'Son of God'; and shall do signs.... But they that endure in

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[10] *Cf.* Acts chs. 4 & 13 & 15 with *Ep. Barn.*, observing that Acts 14:14 implies that Barnabas had by that time himself become an Apostle (*cf.* Acts 1:20-26). Note the strongly anti-judaistic and anti-dispensationalistic thrust of the Epistle (in its chs. 6 & 16 *etc.*).
[11] Clem. Rom.: *I ad Cor.* (*cf.* Phil. 4:3). Also the Roman Catholic Church believes Clement to have been at Rome (and further alleges that he was one of her first Popes).
[12] Acts 12:13 & Rom. 16:14 *cf.* Acts 12:13 & Herm. 1:1:1.
[13] *Did.* 1:1-2 & 2:1-2.
[14] *Ib.*, 7:1-3 & 9:4.
[15] *Ib.*, 10:5.

their faith, shall be saved..... The Lord shall come, and all His [dead] saints with Him. Then shall the World see the Lord's coming upon the clouds of heaven."[16]

So the *Didache* clearly enjoins all men, including Christians, to observe the Decalogue. It also specifically condemns abortion, paederasty and witchcraft. It predicts that in spite of the executing of the Great Commission to baptize all nations into the Name of the Triune God, the world-deceiver [Antichrist] shall appear 'as the Son of God' and shall do signs.

Unlike Nero (who died in A.D. 68), the *circa* 97 A.D. *Didache* antipreteristically teaches that the Pauline Antichrist predicted in Second Thessalonians 2:3-8 was yet to make his appearance, but then would pretend to represent the "Son of God" (as does the papacy). But those who would endure in their faith, would be saved – and finally "the Lord shall come" and "the World shall see the Lord" (without benefit of a secret rapture).

Before that, however, in referring to Malachi 1:11-14, the *Didache* seems to predict that through the preaching and obeying of the Gospel – the Lord's Name will yet become wonderful among all nations. For it clearly enjoins that the Church will yet be gathered together from the very ends of the Earth.

God's Law and Christocracy in the *Epistle of Barnabas*

Perhaps around 98 A.D., the *Epistle of Barnabas* was written. *Cf.* Acts 14:14. Instead of preteristically claiming that Nero (who died already in A.D. 68) was the predicted man of sin and Antichrist, it states that Daniel (7:24f) forecast that "ten kingdoms shall reign upon the Earth, and a little king shall rise up after them, who shall subdue three of the kings....

"So that 'the black one' may find no means of entrance – let us flee from every vanity! Let us utterly hate the works of the way of wickedness! ... Take heed, lest resting at our ease, like those who...fall asleep in their sins, 'the wicked prince'...should thrust us away!"

For the *Epistle of Barnabas* instead clearly teaches Christians that God, "having renewed us by the remission of our sins..., has made us after another pattern.... He created us anew by His Spirit. For the Scripture says [in Genesis 1:26] concerning **us**, while He [God the Father] speaks to the Son [and to His Spirit]: 'Let Us make man after Our image, and after Our likeness! And let them have dominion over the beasts of the earth and the birds of the air and the fishes of the sea!'

"Then the Lord said [Genesis 1:28], on beholding the fair creature man: 'Increase and multiply and replenish the earth!' In respect of **us** [Christians], He has accomplished a second fashioning in these last days. The Lord says [*cf.* Matthew 20:16 & Second Corinthians 5:17]: 'Behold, I will make the last like the first!'

"In reference to this, then, [in Exodus 33:3] the prophet proclaimed: 'You must enter into the land flowing with milk and honey, and have dominion over it!' ... **We**,

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[16] *Ib.*, 14:3 & 16:3-8.

then, are they whom He has led into the good land.... So also **we**, having been quickened and being kept alive by the faith of the promise and by the Word, shall live – ruling over the Earth.

"He said above [in Genesis 1:28]: 'Let them increase, and rule over the fishes!' Who then is able to govern the beasts or the fishes or the birds of the air? For **we** ought to perceive that to **govern**, implies **authority** – so that one **should** command and **rule**."[17]

This Barnabas also declares[18] that, some time after Adam, also Moses "received the covenant from the Lord – tablets of stone, written with the finger of the hand of the Lord.... Moses, when he commanded: 'You shall not have any graven or molten [image] for your God!' – did so, so that he might reveal a type of Jesus."

This is why, declares this Barnabas, that the Lord God says: "You shall not forsake the Commandments of the Lord! ... You shall not commit fornication; you shall not commit adultery; you shall not be a corrupter of youth [alias a sexual molester of children]! You shall not let the Word of God issue from your lips with any kind of impurity! ... You shall not take the Name of the Lord in vain! ... You shall not slay a child by procuring abortion; nor, again, shall you destroy it after it has been born! ... You shall remember the day of judgment!" See again, Exodus 20:2-17.

"What, again, does Moses say to...Joshua? ... 'Take a book into your hands, and write what the Lord declares – that the Son of God will, in the last days, cut off from the roots all the house of Amalek.'" *Cf.* Exodus 17:14. By the expression "the last days" – as too in the rest of the literature of the Patristic Fathers – also the *Epistle of Barnabas* here means: the New Testament days after "the former days" of the Old Testament.

For, continues the *Epistle of Barnabas*, "Christ was the Son of David.... He [David] says, 'The Lord [God] said to my Lord [Christ]: "You must keep on sitting at My right hand, until I have made Your enemies [into] Your footstool!"'" Psalm 110:1 *cf.* Matthew 22:43f. "Again, this is what Isaiah [45:1] says – 'The Lord [God] said to Christ my Lord...that the nations should yield obedience before Him' – and 'I will break the strength of kings into pieces!'"[19]

The *Epistle of Barnabas* then concludes[20] (anent Genesis 2:2) that "the Sabbath is mentioned at the beginning of the creation: 'And God made in six days the works of His hands; and made an end on the seventh day, and rested on it, and sanctified it'.... [The statement] 'He finished in six days'...implies that the Lord will finish all things in six thousand years. For a day is with Him a thousand years; and He Himself testifies, saying – 'Behold, today will be as a thousand years' [Psalm 90:4 & Second Peter 3:8].

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[17] *Barn.*, chs. 4 & 6.
[18] *Ib.*, chs. 4, 12, 15, & 19.
[19] *Ib.*, ch. 12.
[20] *Ib.*, ch. 15.

"Therefore, my children, in six days – that is, in six thousand years – all things will be finished.... Giving rest to all things, I shall make a beginning of the eighth day – that is, a beginning of another World....

"Also, it is written concerning the Sabbath in the Decalogue which [the Lord] spoke face to face to Moses on Mount Sinai: 'And you must sanctify the Sabbath of the Lord with clean hands and a pure heart!' ... Therefore also **we** [Non-Judaic Christians] keep the eighth day with joyfulness – the day also on which Jesus rose again from the dead."

So the *Epistle of Barnabas* upholds both the Dominion Charter of Genesis 1:28 and the Decalogue of Exodus 20:1-17. It stresses the expansive present rule of the people of God here and now on Earth. In spite of warning them against a Post-Neronian later Antichrist, it urges them to face the future confidently and while keeping the Law of God – grounded firmly in Christ's resurrection from the dead on the 'eighth day' of the week, as the very beginning of another World.

Clement of Rome and the Christocratic Law of God

Apparently around 99 A.D., Paul's friend[21] Clement, the Christian Overseer in Rome, wrote his *First Epistle to the Corinthians*. It is clearly addressed to "the Church of God sojourning at Corinth." There, Clement assures the Church: "The Commandments and Ordinances of the Lord were written upon the tablets of your hearts."[22] *Cf.* Proverbs 7:1-3.

Indeed, even before the end of the first century, Clement also indicated that both the Law and the Gospel had reached even what was probably then and later known as the 'Western Isles' – *viz.* Britain and Ireland. For Clement insisted that also his friend the Apostle Paul had carried Christianity "to the end of the West."

That precisely Britain had received the Gospel long before this time, strongly seems to be corroborated also by the A.D. 116 Pagan Roman Historian Tacitus. For he implies[23] that the **British noblewoman Pomponia** had embraced **Christianity** precisely **in Britain** around **A.D. 41** – and thus at least two years before Emperor Claudius's Pagan Roman invasion of Britain.

Continues Clement of Rome: "The blessed Moses also – 'a faithful servant in all His house' [Numbers 12:10 *cf.* Hebrews 3:5] – noted down in the Sacred Books all the injunctions which were given him.... Our Apostles also...appointed [Ministers]...and afterwards gave instructions.... When Moses went up into the mount and abode there...the Lord said unto him: 'Moses, Moses, you must get yourself down from here quickly! For your people, whom you brought out of the land of Egypt, have committed iniquity. They have speedily departed from the way in which I commanded them to walk, and have made to themselves molten images.'"[24]

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[21] *Cf.* Phil. 4:3.
[22] Clem. Rom.: *1st Ep. to Cor.*, chs. 1 & 2 & 5.
[23] Tacitus's *Annals* XXXI:32.
[24] *Op. cit.*, chs. 43 & 44 & 53.

Clement then adds[25] of God the Father "concerning His Son" alias Jesus Christ and His resurrection, that "the Lord spoke thus." Psalm 2:7-8 *cf.* Hebrews 1:5. Namely: "'You are My Son, today I have begotten You. Ask of Me, and I will give You the heathen for Your inheritance, and the uttermost parts of the Earth for Your possession!' And again [Psalm 110:1 *cf.* Hebrews 1:13], He says to Him: 'You must keep on sitting at My right hand – until I have made Your enemies [into] Your footstool!'

"But who are His enemies? All the wicked – and those who set themselves to oppose the will of God. Let **us**, then – men and brethren – with all energy, **act the part of soldiers, in accordance with His holy Commandments**!"

Consequently, Clement thunders forth: "Shall we become slothful in well-doing...? God forbid that any such course should be followed by us! But rather, let us hasten with all energy and readiness of mind to perform every good work! For the Creator and Lord of all, Himself rejoices in His works. For by His infinitely great power, He established the Heavens.... Above all, with His holy and undefiled hands He formed man – the most excellent [of His creatures]; and truly great, through the understanding given him – [as] the express likeness of His own image.

"For this is what God says: 'Let Us make man in Our image, and after Our likeness! So God made man; male and female He created them.' Having thus finished all these things – He approved them, and blessed them, and said: 'Increase and multiply!'

"We see, then, how [that] all righteous men have been [or are being] **adorned with good works** – and how the Lord Himself, adorning Himself with His works, rejoiced. Having therefore such an **example** – let **us** [Christians] without delay accede to His will, and let us work the work of righteousness with our whole strength!"

There is in addition a so-called *Second Epistle of Clement of Rome*. Because its authorship is uncertain, it is also known as *Pseudo-Clement*.[26] For many believe this document seems to date from about 135 A.D.

Contrasting the previously barren but now fruitful Church with the previously fruitful but now dwindling Synagogue, so-called *Pseudo-Clement*[27] quotes the Holy Scriptures (Isaiah 54:1 *cf.* Galatians 4:27). Then the remark is made: "In that He said, 'Rejoice, thou barren that bearest not!' – He referred to us [Christians]. For our Church was barren, before that children were given to her....

"He means," explains *Pseudo-Clement* of the prediction made through the Hebrew Isaiah (at 54:1), "that our people" (the Old Testament Hebrews) had "seemed to be outcast from God. But now, through believing" Christians, our 'Hebrew' people "have

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[25] *Ib.*, chs. 36 & 37.

[26] Even if *Pseudo-Clement* was not written by the same person who wrote *First Clement* – it is undeniable that the first-mentioned indeed wrote at least in the same dimension as the second-mentioned's tradition.

[27] *Pseudo-Clement*, ch. 2.

become more numerous than those who were 'reckoned' to possess God.... Thus also did Christ desire to save the things which were perishing, and has saved many – by coming and calling us when we were hastening to destruction."

Clement therefore stressed that the Lord's Commandments were written upon the hearts of Christians. Both Law and Gospel had already reached – "the end of the West." Indeed, also the uttermost parts of the Earth would yet be given to the resurrected Christ – until all His enemies had been made into His footstool. Meantime, Clement enjoined Christians to act the part of soldiers, in accordance with His Commandments – and to adorn their lives with good works. For they were the expanding successors of Old Testament Israel.

Christocracy and God's Law in the *Shepherd of Hermas*

So Early Christianity continued to expand, in spite of all setbacks and persecutions. This is confirmed also by the document known as the *Shepherd of Hermas*. At least part of it may well have been written as early as A.D. 100, and perhaps by the very Hermas known to the Apostle Paul. Romans 16:14 & Acts 12:13, compare *Hermas* 1:1:1.

Hermas describes his vision of the construction of an edifice – namely the Kingdom of God . In the vision, he asks a beautiful lady – namely the Christian Church (*cf.* Second John 1-5f) – who the six young men were whom he saw constructing the building.

The elect lady replies: "These are...they [that] might increase, and build up, and rule – over the whole creation.... The building of the tower will be finished. Then all will rejoice together around the tower, and...glorify God – because the tower is finished.... Do you not see the tower yet being built? When the tower is finished being built – then comes the end."[28]

This work of construction would go on, in spite of all setbacks – even during times of persecution. For, continues Hermas: "A virgin...clothed entirely in white met me.... I knew from my former visions that this was the Church.... She saluted me, and said: 'Hail, O man...! Has nothing crossed your path?' I said: 'I was met by a beast of such a size that it could destroy peoples [*cf.* Revelation 13:1-7]. But through the power of the Lord and His great mercy, I escaped from it.'

"'Well did you escape from it!' – she said – 'because you cast your care on God, and opened your heart to the Lord.... Go, therefore, and tell the elect of the Lord [about] His mighty deeds, and say to them that this beast is a type of great tribulation which is **coming**. If then you prepare yourselves and repent with all your heart and turn to the Lord, it will be possible for you to escape it – if your heart be pure and spotless and you spend the rest of the days of your life in serving the Lord blamelessly. Cast your cares upon the Lord, and He will direct them! Trust the Lord,

[28] *Herm.* 1:3:4,8.

you who doubt! For He is all-powerful – and can turn His anger away from you, and send scourges on the doubters."[29]

In spite of all adversity, God's Kingdom here on Earth keeps on growing like a tree (*cf.* Matthew 13:32). "Listen," Hermas was told, "this great tree that casts its shadow over plains and mountains and all the Earth – is the Law of God that was given to the whole World. And this Law is the Son of God – proclaimed to the ends of the Earth. And the people who are under its shadow – are they who have heard the proclamation and have believed upon Him.....

"The great and glorious Michael is He Who has authority over this people and governs them [*cf.* Daniel 12:1]. For this is He Who gave the Law into the hearts of believers. He accordingly superintends them to whom He gave it, to see if they have kept the same... And they who retained their branches green, as they had received them – are the venerable and the just, and they who have kept the Commandments of the Lord."[30]

The Shepherd of Hermas therefore assures his readers that the construction of Christ's Church would keep on increasing – in spite of all persecution. For the Son of God and His Law would yet be proclaimed unto the very ends of the Earth . Indeed, thus would Michael-Christ govern justified Christians – enabling them, ever increasingly. to keep the Commandments of the Lord.

The Law of the Lord in the Christocratic Ignatius of Antioch

The Syrian Ignatius of Antioch, who died 98/117 A.D.,[31] knew Polycarp. According to some traditions, Ignatius also knew even the Apostle John himself. Certainly Polycarp of Smyrna, who outlived Ignatius, was heard by Irenaeus to declare that Polycarp had spoken to John.[32]

"Poly-carp" means: "Much-fruit." Indeed, perhaps there is even a hidden word-play on Smyrna's "Polycarp" by the Apostle John in Revelation itself. For Revelation 2:8f uses the words "rich" and "works" (*plousious* and *erga*) in respect of Smyrna. So some believe that these words of the Apostle John in his little '*Epistle to Smyrna*' – within the Bible's last book called 'Revelation' – imply a reference to 'much fruit' or *polu[s] karp-os* (and hence to Poly-carp himself).

Be that as it may, Ignatius's *Epistle to Polycarp* – is indeed a striking commentary on the optimistic thrust of John's Book of Revelation. For Ignatius told Polycarp: "Let not those who seem worthy of credit, but who teach strange doctrines, fill you with apprehension! Stand firm, as does an anvil which is beaten!

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[29] *Ib.*, I:4:2.
[30] *Ib.*, 3:8:3.
[31] Thus art. *Ignatius* in ed. Douglas's *New International Dictionary of the Christian Church*, Zondervan, Grand Rapids, 1974, p. 498.
[32] *Ib.*, p. 791.

"It is the part of a noble athlete to be wounded – and yet to conquer [*cf.* Revelation 1:5,18 & 6:2]. And especially, we ought to bear all things for the sake of God – [so] that He too may bear with us, and bring us into His Kingdom.

"Add more and more to your diligence! Run your race with increasing energy! Weigh carefully the times! While you are here, be a conquerer [*cf.* Revelation 12:11]! For here is the course – and there are the crowns."[33]

Ignatius again underlines this victory motif, in his famous *Epistle to the Magnesians*. For there[34] he tells those Christians: "Let every friend of Christ keep the Lord's Day as a festival – the resurrection day; the queen and chief of all the days! ... Looking toward this, the prophet[35] declared...'for the eighth day' – on which both our life sprang up again, and the victory over death was obtained in Christ."

In that same Magnesian Epistle,[36] Ignatius also writes that "Moses declares: 'For their murmuring is not against us, but against the Lord God' [Exodus 16:8]. Not one of those who rose up against their superiors has [in fact] remained unpunished." Indeed, Ignatius elsewhere tells us that "Moses was meek [or law-abiding] above all men; and David was exceedingly meek."[37]

Ignatius elaborates on this Mosaic 'meekness' or law-abidingness – in his *Epistle to the Philadelphians*.[38] There, he insists that "if any man does not stand aloof from the preacher of falsehood – he shall be condemned to hell. For it is obligatory neither to separate from the godly, nor to associate with the ungodly.... Have no fellowship with such a man – lest you perish along with him – even should he be your father, your son, your brother, or a member of your family! For says [the Scripture]: 'Your eye shall not spare him!' [Deuteronomy 13:6-8]."

Ignatius puts all of this in New Testament perspective, in his *Epistle to the Smyrnaeans*.[39] There, he states that "the chief points are: faith towards God; hope towards Christ; the enjoyment of those things for which we look; and love towards God and our neighbour. For [Deuteronomy 6:5] – 'you shall love the Lord your God with all your heart, and your neighbour as yourself!' And the Lord says..., 'A new Commandment give I unto you – that you must love one another! On these two Commandments, hang all the Law and the Prophets' [John 13:34 *cf.* Matthew 22:40]."

Indeed, even though himself condemned to the wild beasts for professing Christianity before the Roman Emperor Trajan – Ignatius also tells us[40] that "Jesus Christ..., being begotten by the Father before the beginning of time [literally 'before the ages'], was God the Word; the only-begotten Son; and remains the same for ever. For 'of His Kingdom there shall be no end,' says the prophet Daniel [2:44 & 7:14,27]."

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[33] Ign.: *Ep. to Polyc.*, ch. 3.
[34] Ign. *Ep. Magn.* ch. 9, long. recens.
[35] Pss. 6 & 12 inscrip.
[36] Ch. 3.
[37] Ign.: *Ep. to Eph.*, ch. 10.
[38] Ign.: *Ep. Philad.*, ch. 3.
[39] Ign.: *Ep. Smyrn.*, ch. 6.
[40] *Ante-Nicene Father [ANF]*, Eerdmans, Grand Rapids, 1969, I, p. 48; *cf.* Ign. *Ep. Magn.*, ch. 4.

So Ignatius enjoins his readers to conquer, in spite of their wounds, on the basis of Christ's victory on the Lord's day as the guarantee of the continuation of His endless Kingdom. They should do this in meekness alias lawabidingness, by standing aloof from preachers of falsehood – and by loving God with all their heart, and their neighbours as themselves.

Christ's Church survives the early post-apostolic persecutions

All of the above (first century) Apostolic Fathers knew at least one or more of the Apostles personally. Just like the Apostle(s) they knew – also all those Apostolic Fathers resisted persecution from those who opposed Christianity. Thereafter, the early part of the second century saw renewed persecution of Christians – especially on the part of Imperial Rome.

Professor Kurtz rightly observes[41] that with Trajan Caesar (A.D. 98-117) – whom some historians in other respects rightly describe as a mild ruler – the persecutions of the Christians entered upon a new phase. Trajan renewed the old prohibition of secret societies called *hetaerae*. That renewed prohibition could easily be made to apply also against Christians. So, in consequence of renewing this prohibition, the younger Pliny (as Governor of Bithynia) therefore now started to punish with death those who were accused of being Christians – if they would not abjure Christianity.

However, Pliny's doubts were awakened by the great number of every rank and age and of both sexes against whom accusations were brought. Indeed, Pliny's increasingly careful examination showed the Christians to be both morally pure and politically undeserving of suspicion – and to be guilty only of stubborn attachment to what was seen by their enemies to be their own superstition. Consequently, Governor Pliny asked for definite instructions hereanent from Emperor Trajan himself.

Now in Governor Pliny's own province of Bithynia, the Christians had been congregating on a regular basis probably from at least A.D. 62 onwards. *Cf.* First Peter 1:1 & 2:16. Around 110 A.D., the pagan Pliny wrote[42] to Caesar Trajan that the Christians there still "were in the habit of meeting on a certain fixed day" – apparently, it seems, on the weekly Sunday Sabbath, alias the Lord's day – "before it was light.

"Then," he added, "they sing in alternate verses a hymn to Christ – as to a god. They bind themselves by a solemn oath not to [do] any wicked deeds – never to commit any fraud, theft, or adultery; never to falsify their word; nor deny a trust when they should be called upon to deliver it up." *Cf.* Exodus 20:2-17.

After this pre-daybreak stated morning meeting of the Christians in Bithynia, continues Pliny in his *Epistle to Trajan*, "it is their custom to separate – and then re-assemble to partake of good food, but food of an ordinary and innocent kind.... I thought it the more necessary, therefore, to find out what truth there was in this – by

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[41] *Op. cit.*, I p. 78.
[42] Plin. *To Traj.*, X:96; in Loeb Classical Library, II, pp. 402f.

applying torture to two maidservants who were called deaconesses." Romans 12:9-13 & 16:1f *cf.* First Timothy 3:10f & 5:9f.

The sequel to Governor Pliny's infliction of torture (and even the death penalty itself) on Christians – and his subsequent explanation of their behaviour to Emperor Trajan – is very interesting. The pagan Roman Emperor Trajan felt Pliny was basically on the right track, but should proceed with caution.

Replied Trajan to Pliny:[43] "You have taken the right line, my dear Pliny, in examining the cases of those denounced to you as Christians.... If they are informed against, and the charge is proved, they are to be punished. With this reservation – that if any one denies that he is a Christian, and actually proves it – that is, by worshipping our gods – he shall be pardoned."

From the *Epistle of Pliny* it is therefore undeniable that the Christians of Bithynia then met regularly for worship, and sang hymns to Christ as God. For even their persecutors knew those Christians had covenanted never to steal, to lie, or to commit adultery. Hence, even the enemies of the Christians knew they kept resolving to keep the Decalogue.

As Professor Kurtz explains,[44] Trajan approved of what Pliny had done –and of what he proposed. The Christians were not to be sought after, and anonymous accusations were not to be regarded. But those formally complained of and convicted, if they as expected stubbornly kept on refusing to sacrifice to the gods by burning incense before the statues of the Emperor (alias break God's Second Commandment) – were to be punished with death (A.D. 112).

This imperial rescript continued for a long time as the legal standard for judicial procedure with reference to the Christians. For so well-known even among the Pagan Romans did the Early-Christians' refusal to break God's Second Commandment against idolatry and the veneration of images then become. Thus, in Jerusalem, the aged Bishop Simeon – the successor of James – was accused of being a Christian and a descendant of David. After being cruelly scourged, he died a martyr's death on the cross in A.D. 107.

The martyrdom also of the Antiochean Overseer Ignatius himself in all probability took place during the reign of Trajan. An alleged edict of toleration supposed to have been issued at a later period by Trajan, a copy of which exists in Syrian and Armenian – has now been proved to be apocryphal.

During the subsequent reign of Hadrian (A.D. 117-38), continues Professor Kurtz,[45] the Roman people began to carry out in a tumultuous way the execution of Christians on the occasion of the heathen festivals. In Rome itself, between A.D. 135 and 137, Bishop Telesphorus – with many other Christians – fell as victims of such persecution.

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[43] *Ib.*, X:97; in H. Bettenson: *Documents of the Christian Church*, Oxford Univ. Press, London, 1953, p. 6.
[44] *Op. cit.*, I p. 78.
[45] *Ib.*, I pp. 78f.

Hadrian's unfavorable disposition toward the Christians is clear. For he caused a temple of Venus to be built upon the spot where Christ was crucified. He also had a statue of Jupiter erected on the rock of His sepulchre – in order to pollute those places which he knew the Christians held to be most sacred.

So persecution of Christians – for no good reason – still continued. Yet the Church kept on growing – for Christ kept on and still keeps on building it. Matthew 16:18. Indeed, the gates of Hell could not and cannot prevail against it. To the contrary, the expanding Church as the City of God would prevail – and shall yet keep on prevailing – even against the very gates of Hell City!

As an unknown Christian sometimes termed *Matheetes* alias 'Disciple' – wrote to someone named Diognetus around 130 A.D.: "The **Christians**...marry, as do all" other men. Also the Christians "beget children." *Cf.* Genesis 1:26-28. For: "**They** do not cast away **their** foetuses" – as did (and do) the Pagans. *Cf.* Exodus 21:22f.

"The Christians – though subjected day by day to punishment – **increase the more in number**. God has assigned them this illustrious position, which it were **unlawful** for them to forsake...."

Do you not see them exposed to the wild beasts – in order that they may be persuaded to deny the Lord? And yet they are not overcome! Do you not see that the more of them that are punished – the greater becomes the number of the rest? This does not seem to be the work of man. This is the power of God!"[46]

So, also in the *Epistle of Matheetes* to Diognetus, it is clear that Christians observed the Dominion Charter (Genesis 1:26-28) and abhorred abortion (because seen to be a vicious transgression of God's Sixth Commandment). Indeed, far from being overcome through persecution – the numbers of Christians then continued to increase.

The persecuted Polycarp kept the Law of God

Kurtz observes further that under (the A.D. 138 to 161) Roman Emperor Antoninus Pius Caesar, the tumultuous charges of the pagan peoples against the Christians were renewed – also on account of visitations of pestilence in many places. Such persecution was then seen particularly in the life and death of Polycarp.

Christian Overseer Polycarp of Smyrna was a friend of Ignatius (the Christian Overseer of Antioch). The A.D. 107 or 116 work known as the *Martyrdom of Ignatius*[47] declares that the latter Apostolic Father once "came to Smyrna. There he disembarked with great joy, and hastened to see the holy Polycarp – his fellow-disciple and Overseer of Smyrna. For they had both, in old[er] times, been disciples of St. John the Apostle."

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[46] *Ep. Diog.*, chs. 5-7.
[47] *Mart. Ign.*, ch. 3.

Indeed, Polycarp's disciple Irenaeus tells us that "Polycarp was instructed by the Apostles and was brought into contact with many who had seen Christ."[48] Moreover, Irenaeus even claims: "I could describe the very place in which the blessed Polycarp sat and [then] taught.... He would speak of the conversations he had held with John and with others who had seen the Lord. How did he make mention of their words – and of whatever he had heard from them respecting the Lord!"[49]

In Polycarp's (*circa* 120 A.D.) *Epistle to the Philippians,*[50] there is an implicit reference even to the political duties of then-voteless Christians. Note his injunction to them: "Keep on girding up your loins!" *Cf.* First Peter 1:13 (& 2:13-16) with Ephesians 6:14 (and also vv. 1-4). Note too his further injunction to them: "Keep on serving the Lord in fear!" *Cf.* Psalm 2:11 (& vv. 2-12).

Also note Polycarp's additional injunctions both to himself and to other Christians – that they should "**keep on walking in His <u>Commandments</u>** and keep on loving what He loved [by] abstaining...from all unrighteousness, covetousness, love of money, evil-speaking, false witness [and] 'not rendering evil for evil or railing for railing' [First Peter 3:9]." *Cf.* Exodus 20:2-17.

More particularly, Polycarp also adds: "Be all of you subject to one another [*cf.* First Peter 5:5], 'having your conduct blameless among the Gentiles' [First Peter 2:12] – **so that you may both receive praise for <u>your good works</u>**, and so that the Lord may not be blasphemed.... I trust that you are well versed in the Sacred Scriptures....

"May the God and Father of our Lord Jesus Christ – and Jesus Christ Himself Who is the Son of God and our everlasting High Priest – build you up in faith and truth and in all meekness [or law-abidingness]! ... Pray also for kings and potentates and princes [*cf.* First Timothy 2:2]; and for those that persecute and hate you; and for the enemies of the cross – so that your <u>fruit</u> may be <u>manifest</u> to <u>all</u>!"[51]

Especially the document known as the *Martyrdom of Polycarp* [around 140 A.D.], is rich in instruction. After Polycarp's arrest by the pagan Romans, the Roman proconsul "sought to persuade him to deny [Christ], saying...: 'Swear by the fortune of Caesar! Recant and say "Away with the Atheists [meaning the Christians (*sic*)]!'"

"Then the proconsul urged Polycarp, saying: 'Swear – and I will set you free! Reproach Christ!' However, Polycarp replied: 'Eighty-six years have I served Him, and He never did me any injury. How then <u>can</u> I blaspheme my King and my Saviour?'"[52]

Polycarp then further told the Roman proconsul: "To you I have thought it right to offer an account [of my Christian Faith]. For we are taught to give all due honour (which entails no injury upon ourselves) to the powers and authorities which have been ordained by God' [*cf.* Romans 13:1-7 & Titus 3:1].... The proconsul then said to him, 'I have wild beasts at hand. To these will I cast you – unless you recant!'

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[48] Iren.: *Against Heresies*, 3:3; *cf.* Euseb.: *Ch. Hist.* 4:14 & 5:20.
[49] *ANF* (Eerdmans ed.), I, p. 31.
[50] Polyc.: *Ep. Phil*. ch. 2.
[51] *Ib.*, chs. 10 & 12.
[52] *Mart. Polyc.*, ch. 9.

"But he [Polycarp] answered, 'Call them, then! For **we [Christians] are not accustomed to recant <u>that which is good</u>**, in order to adopt that which is evil; but it is well for me to be changed from what is evil, to what is righteous.'"[53]

So Polycarp enjoined Christians to keep on walking in God's Commandments, in order that they may receive praise for their good works. To that end, they were to pray also for kings and potentates and princes – to secure the repeal of bad and the enactment of good laws. For also in Polycarp's time, Christians were not accustomed to recant that which is good in the sight of God.

The Law of God in Justin Martyr's *Dialogue with Trypho*

The persecutions of Christians continued also long after the death of Polycarp more or less continuously, right down to Commodus Caesar (A.D. 180f). Yet before his martyrdom under the previous pagan Roman Caesar, (the A.D. 161 to 180) Emperor Marcus Aurelius – the great Christian writer Justin Martyr first authored his *First Apology* (or 'Defence') and his *Second Apology* to the Romans, and also his *Dialogue with Trypho* the Jew.

We begin with Justin's latter work, where he constantly refers to the predictions of the Old Testament. He does so, in order to prove to the Judaist Trypho that the Early Christian Church took the Old Testament and its Law very seriously.

He also does this, in order to prove too that Jesus is indeed the Messiah promised in the Old Testament – Whose Kingdom had now come. Indeed, Justin also quotes from the Old Testament to show the Jew Trypho that Jesus the Messiah and His Christian people would in due time conquer the entire World – as indeed forecast not just in the final alias Newer Testament, but also in the fundamental Older Testament.

Writes Justin to the Jew Trypho:[54] "God speaks in the creation of man...in the following words. 'Let Us make man after Our image and likeness! And let them have dominion over the fish of the sea and over the birds of the air and over the cattle and over all the Earth and over all the creeping things that creep on the Earth! God created man; after the image of God did He create him; He created them male and female.... God blessed them and said: 'Increase and multiply and fill the Earth, and have power over it!'"

To Justin, even the pagan Gentiles were obligated to be keepers of the Law of God. Especially was this to be the case in respect of New Testament Christians – just like the Old Testament Hebrews.

Writes Justin:[55] "Thus it is written, 'Then the Lord spake to Moses, "Say to this people, 'Behold, I send My Angel before your face, to keep you in the way – to bring

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[53] *Ib.*, chs. 10 - 11.
[54] Just. Mart.: *Dial. Tryph.*, ch. 62.
[55] *Ib.*, chs. 75 & 95.

you into the land which I have prepared for you.' Give heed to Him and obey Him! Do not disobey Him! For He will not draw back [Exodus 23:20-21]....

"For it is written in the Law of Moses, 'Cursed is every one that does not continue in all things that are written in the Book of the Law, to do them'.... But if those [the Jews] who are under this Law appear to be under a curse for not having observed all the requirements, how much more shall all the nations who practise idolatry appear to be under a curse – [those] who seduce youths, and commit other crimes?!"

Justin also speaks to the Jew Trypho[56] about the Old Testament predictions concerning Jesus: "He was pierced by you [Jews].... The Father of all has brought Him [back to life] again – from the Earth – setting Him at His own right hand [in Heaven] until He makes His enemies His footstool. This indeed happens from the time that our Lord Jesus Christ ascended to Heaven after He rose again from the dead – the times now running on to their consummation....

"He whom Daniel [7:7-28] foretells would have dominion for a time and [two] times and a half" – namely the anti-christian 'little horn' that would become very stout – "is even [now] already at the door, [and] **about** to speak blasphemous and daring things against the Most High.... You [Jews] interpret the 'time' as being a hundred years. But if this is so, **the 'man of sin' must, at the shortest, REIGN three hundred and fifty years** – in order that we may compute that which is said by the holy Daniel." See Daniel 7:20-26 & 11:36f & 12:7-11. Compare Second Thessalonians 2:3f and Revelation 11:2-3 & 12:14 & 13:5.

The reign of this 'Anti-Christ' – we have just seen – Justin expected to start only **after** his own time [160 A.D.]. For then, Justin said that the predicted 'little horn' would become very stout and had therefore not yet started to reign – but was, around A.D. 160, still only "about" to start reigning. Indeed, Justin further believed that this Antichrist would then, "**at the shortest**, REIGN three hundred and fifty years." Nor did Justin say he expected history to terminate during that reign. Thus, to Justin – that Antichrist was neither an 'apostolic age' entity; nor a 'terminal generation' phenomenon.

However, Jesus the 'True Christ' was **already** ruling as Lord and King, even during Justin's own age. And He would continue so to rule – until He shall have brought all His enemies under His footstool.

Indeed, as the Son of man, Christ had been ruling ever since His ascension. He would continue to do so, even throughout the then-future 'reign' of that Antichrist. In fact, Jesus would, after the downfall of the then-future but also centuries-long reign of that Antichrist, **still be King** – and still **yet more gloriously** than ever before. Indeed, He would thereafter too remain that King of glory – even unto all eternity future.

Citing Psalm 72 at length, Justin then again reminded[57] the Jew Trypho that – already now – Jesus "Christ is King.... 'And He shall have dominion from sea to sea,

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[56] *Ib.*, ch. 32.
[57] *Ib.*, chs. 34 & 121.

and from the rivers unto the ends of the Earth. Ethiopians shall fall down before Him, and His enemies shall lick the dust.

"'The kings of Tarshish [or Spain] and the Isles [including the British Isles] shall offer gifts. The kings of Arabia...shall offer gifts..... All kings of the Earth shall worship Him, and all the nations shall serve Him.'"

The Scripture "speaking by David about this Christ...said...that...the nations should be blessed...'in Him'.... [For] 'His Name shall rise up for ever, above the sun.... In Him shall all nations be blessed.'" Psalm 72:17.

So to Justin, all men (including Christians too) are still required to execute the Dominion Charter. Genesis 1:28. Furthermore, not just the Old Testament Hebrews but even the pagan Gentiles were obliged to keep the Law of God. Indeed, also in that way too, the resurrected Jesus was ruling – and making all of His enemies into His footstool.

It is true that Daniel 7:7-28's anti-christian "little horn" would still need to appear and then to grow "stout" and reign "at the shortest three hundred and fifty years." Yet then too, and thereafter, Jesus would still keep on reigning even more gloriously – until all of His enemies would lick the dust. Thus Justin Martyr.

Was Justin thinking also of Britain in his *Dialogue with Trypho*?

Justin Martyr continues in his *Dialogue with Trypho*:[58] "That the Gentiles would repent of the evil in which they led erring lives, when they heard the doctrine preached by His Apostles from Jerusalem, and which they learned through them – permit me to show you, by quoting a short statement from the prophecy of Micah.... This is as follows:

"'And in the last days, the Mountain of the Lord shall be manifest, established on the top of the mountains; it shall be exalted above the hills, and people shall flow unto it. And many nations shall go and say: 'Come, let us go up to the Mountain of the Lord and to the House of the God of Jacob!'

"For it is plain that, though beheaded and crucified and thrown to wild beasts and chains and fire and all other kinds of torture – we [Christians] do not give up our profession. But the more such things happen – the more do others and in larger numbers become faithful, and worshippers of God through the Name of Jesus."

Indeed, Justin goes on to explain to Trypho[59] how "God announced beforehand that He would send a New Covenant and an everlasting Law and Commandment.... You are to understand this...of Christ and His proselytes," claims Justin – "namely us Gentiles whom He has illumined....

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[58] Chs. 109 - 110.
[59] *Ib.*, chs. 122f.

"Thus says the Lord, 'In an acceptable time I have heard You; and in a day of salvation I have helped You.... I have given You for a covenant of the people – to establish the Earth, and to inherit the deserted' [Isaiah 49:8]....

"What is the covenant of God? Is it not Christ? As He says in another place: 'You are My Son; this day I have begotten You. Ask of Me, and I shall give You the nations for Your inheritance, and the uttermost parts of the Earth for Your possession!'" Psalm 2:7f.

Justin then reminds Trypho:[60] "In Isaiah [42:1-4], if you have ears to hear it, God – speaking of Christ in parable – calls Him 'Jacob' and 'Israel'.... He [God] speaks thus: 'Jacob is My servant.... Israel is My elect. I will put My Spirit upon Him, and He shall bring forth judgment to the Gentiles. He shall not strive nor cry [out], neither shall anyone hear His voice in the street. A bruised reed He shall not break, and smoking flax He shall not quench. But He shall bring forth judgment to truth. He shall shine, and shall not be broken – till He has set judgment upon the Earth'.....

"'In His Name, the Gentiles shall trust.'" *Cf.* Matthew 12:21. 'And **the Isles** shall wait for His Law.' Isaiah 42:4. For we Christians are "from Christ, Who begat us unto God – like Jacob and Israel and Judah and Joseph and David are called, and are, the true sons of God who keep the Commandments of Christ".... 'Arise, O God! Judge the Earth! For You shall inherit all nations.'" Psalm 82.

It is possible that the above *circa* A.D. 160 statement by Justin to the Jew Trypho that "the Isles" were eagerly desiring Israel's "Law" – Isaiah 42:4 *cf.* 42:10-21 and 49:1-12 – could contain an allusion to the warm and early reception of the Gospel given too in **the Western Isles** of Britain *etc*. For we have seen that the Apostle Paul's friend[61] (the 97 A.D.) Clement of Rome had declared[62] that even Paul had carried the Gospel already "to **the end of the West**" *etc*.

Indeed, also the (55 to 116f A.D.) Roman Historian Tacitus implied[63] that the British noblewoman **Pomponia** had embraced **Christianity** in **Britain** around A.D. 41 – and thus even before the (43 A.D.) Pagan-Roman invasion of Southeastern Britain. And later, also Tertullian would remark[64] around A.D. 196 that "places in **Britain** not yet visited by Romans were **subject** to **Christ**" – already prior to such Roman visitations.

Also the A.D. 225 Hippolytus would soon imply[65] that **the Apostles** Simon Zelotes and James, as well as Luke, visited **Britain** with the Gospel – even before the (43 A.D.) pagan Roman invasion. Indeed, Hippolytus would further imply that Paul's student Aristobulus too apparently made a similar visit – already during the first century.

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[60] *Ib.*, chs. 123f.
[61] *Cf.* Phil. 4:3.
[62] *Cf.* Clem. Rom.: *1st Ep. to Cor.*, ch. 5.
[63] Tac.: *Annals* 31:32.
[64] See Tert.: *To the Jews.* ch. 7.
[65] See n. 155 below, and Bauer's *Hippolytan Chronicle*.

Also Origen would insist[66] about A.D. 230 that the goodness of the "Saviour is...among the **Britons**." Eusebius too would claim[67] at the end of that third century that even some of the Twelve (*cf.* Luke 9:1f) or of the Seventy (*cf.* Luke 10:1f) had "crossed the Ocean to **the Isles called British**." Too, Bishop Dorotheus of Tyre – *cf.* Acts 11:18-20 & 12:19-20 & 21:3-7 – would claim around A.D. 300 that the Apostle Simon Zelotes had preached Christ" and had even died "**in *Britannia***."[68]

So Justin explained that many nations would go up to the Mountain of the Lord, alias enter into the Christian Church. Under the New Covenant, God would send then forth His everlasting Law – after Christ rose from the dead and started inheriting the uttermost parts of the Earth as His possession. Indeed, as predicted by Isaiah (42:1-21 & 49:1-12), even "the Isles" – including especially the British Isles – had been waiting for the Messiah and His Law.

The Law of God in Justin Martyr's *First Apology*

Unlike his above *Dialogue with Trypho* – which was directed clearly toward unitarianized Judaists who mistakenly considered themselves still to be the true people of the one and only living (Triune) God Jehovah Elohim – Justin's *First Apology* was directed toward the pagan Roman Caesar. For Justin Martyr wrote it "to the Emperor, Titus Aelius Adrianus Antoninus Pius Augustus Caesar" (138 to 161 A.D.). Therein, Justin then presented an "address and petition on behalf of those [Christians] of all nations who are unjustly hated and wantonly abused – myself being one of them."[69]

Declared Justin to Emperor Antoninus Pius:[70] "Everywhere, we [Christians] more readily than all [other] men endeavour to pay to those appointed by you the taxes both ordinary and extraordinary – as we have been taught by Him," namely the Lord Jesus Christ. For as regards the Pharisees in Matthew 22:17-21, "He answered them: 'Give back, then, to Caesar, the things that are Caesar's; and to God, the things that are God's!'

"Whence: to God alone do we render worship. But in other things, we gladly serve you – acknowledging you as kings and rulers of men, and praying that with your kingly power you be found to possess also sound judgment. But if you pay no regard to our prayers and frank explanations, we shall suffer no loss. Since we believe (or rather are persuaded) that every man will suffer punishment in eternal fire – according to the merit of his deed."

Justin Martyr made it clear to the pagan Roman Antoninus Caesar that, unlike unbelievers, Christians strive to observe the laws of nature – and of nature's God.

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[66] Orig.: *Hom. VI on Lk.*
[67] Euseb.: *Demonstratio Evangelica* II:5.
[68] Dorotheus: *Synopsis of the Apostles* 9.
[69] Just. Mart.: *1st Ap.*, ch. 1.
[70] *Ib.*, ch. 17.

Wrote Justin:[71] "As for us, we have been taught that to expose newly-born children is the part of wicked men.... We see you rear children only for this shameful use.... Not only the girls, but also the males are brought up to prostitution....

"For this pollution, a multitude of females and hermaphrodites – and those who commit unmentionable iniquities – are found in every nation. And you receive the hire of these – and duty and taxes from them whom you ought to exterminate from your realm.... There are some who prostitute even their own children and wives, and some are openly mutilated for the purpose of sodomy."

On the other hand, as regards **Christians**, Justin wrote: "**We** fear to expose **our** children – lest some of them be not picked up but die, and [we] become murderers." Very clearly, Justin here considered the Pagans who exposed their own children to be guilty of nothing less than murder.

Justin also told the Emperor[72] that Christianity was certain still to conquer all lands. "For Isaiah [11:1]...spoke thus: 'A **star** shall rise out of Jacob [*cf.* Numbers 24:17], and a flower **shall** spring from the root of Jesse; and His arm shall the nations trust.' And a star of light **has** arisen, and a flower **has** sprung from the root of Jesse – this Christ....

"God the Father of all would bring Christ to Heaven, after He had raised Him from the dead – and **will** keep Him there, until He **has** [all] subdued His enemies...and until the number...foreknown by Him as good and virtuous, is complete; on whose account He has still delayed the consummation." *Cf.* Second Thessalonians 2:6f.

Hear, continues Justin, what was said by the prophet David! "These are his words [Psalm 110:1f] – 'The Lord [God the Father] said unto my Lord [God the Son, the now-ascended Son of man Jesus Christ]: "'You must keep on sitting at My right hand until I have made Your enemies Your footstool! From You the Lord shall send the rod of power forth out of Jerusalem. You must keep on ruling – in the midst of Your enemies. The government is with You, in the day of Your power'....

"That which he [David] says – 'He [God the Father] shall send the rod of power forth out of Jerusalem' – is predictive of the mighty Word which **His Apostles**, going forth from Jerusalem, **preached everywhere**. And though death has been decreed against those who teach or at all confess the Name of Christ – **we** [Christians] everywhere both **embrace** and **teach** it."[73]

So Justin acknowledged the political power of the pagan Roman State, yet condemned its laxity toward prostitution and sodomy. He branded its toleration of the exposure of little children, as murder. He informed Caesar that Christ had risen from the dead – and would continue progressively subduing all His enemies, precisely through the preaching of His mighty Word.

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[71] *Ib.*, ch. 27 & 29.
[72] *Ib.*, ch. 32 & 45.
[73] *Ib.*, ch. 45.

The Law of God in Justin's *Second Apology* and his other writings

In his *Second Apology* or 'Public Defence' of Christianity – this time to the Roman Senate – Justin complained[74] about the treatment meted out by the Roman Prefect Urbicus to the Christian Ptolemaeus. The latter, observed Justin, "being a lover of truth and not of a deceitful or false disposition – when he confessed himself to be a Christian, was bound by the centurion and for a long time punished in the prison. Then, finally, when the man [Ptolemaeus] came to Urbicus – he was asked this one question only: whether he was a Christian?

"In response, Ptolemaeus **professed** his discipleship.... When Urbicus ordered him to be led away to punishment, one Lucius – who was himself a Christian – seeing the [indeed] unreasonable judgment that had thus been given, said to Urbicus: 'What is the ground of this judgment? Why have you punished this man – not as an adulterer, nor fornicator, nor murderer, not thief, nor robber, nor convicted of any crime at all – who has but confessed that he is called by the name of Christian? This judgment of yours, O Urbicus, does not behoove the Emperor Pius...nor the dedicated Senate!'"

Again, the Samaritan Christian Justin Martyr explained[75] to the pagan Roman Senate: "Lest some one say to us, 'Go then all of you [Christians] and kill yourselves; and move [on further] even to God, and do not trouble us!' – I will tell you why we do not do so.... If then we were all to kill ourselves – we would become the cause, as far as in us lies, as to why nobody would be born or instructed in the divine doctrines or even why the human race would not keep on existing.... We would, if we were so to act, ourselves be acting in opposition to the will of God [Genesis 1:26f *cf.* Exodus 20:13]....

"I despised the wicked and deceitful doctrine of Simon [the sorcerer] of my own nation." *Cf.* Acts 8:9-11. "If you give this book [Justin's *Second Apology*] your authority – we will expose him before all, so that if possible they may be converted. For this end alone did we compose this treatise.... Our doctrines are not shameful, according to a sober judgment, but are indeed more lofty than all human philosophy."

So Justin mentions that even the pagan Roman Prefect Urbicus recognized that adultery and fornication and murder and theft and robbery should all be punished. Also suicide was not to be contemplated – at least by Christians. Indeed, he fully expected even Urbicus to co-operate – in Justin's public denunciation also of sorcery.

The Empire's Christians kept God's Law though persecuted under Marcus Aurelius

History Professor Kurtz next observes[76] that the persecutions again took a new turn under Marcus Aurelius Caesar (161 to 180 A.D.). In the pride of his stoical wisdom, despising utterly the enthusiasm of the Christians, he not only allowed free scope to

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[74] Just. Mart.: *2nd Ap.*, ch. 2.
[75] *Ib.*, chs. 4 & 15.
[76] *Ib.*, I p. 79.

the popular hatred. He also introduced a system of espionage. He gave to informers the confiscated property of the Christians – and even permitting the use of torture, in order to compel them to recant. Yet, thus he gave occasion to unexampled triumphs of Christian heroism.

Nevertheless, there were certainly plenty of persecutions. At Rome, the noble Apologist Justin Martyr was denounced by his opponent the philosopher Crescens. After a cruel and bloody scourging, Justin died under the executioner's axe around 165 A.D.

The account of the bloody execution given in the reliable early document known as *The Martyrdom of the Holy Martyrs*, is most moving. There,[77] we read: "In the time of the lawless partisans of idolatry, wicked decrees were passed against the godly Christians in town and country to force them to offer libations to vain idols....

"The holy men, having been apprehended, were brought before the prefect of Rome.... The prefect said to Justin, 'Obey the gods at once and submit to the kings!' Justin replied, 'To obey the Commandments of our Saviour Jesus Christ is worthy neither of blame nor of condemnation.'"

Yet[78] "the prefect said to Justin..., 'If you are scourged and beheaded – do you believe you will ascend into Heaven...to receive some recompense?' Justin said..., 'I know and am fully persuaded of it!' Rusticus the prefect said..., 'Offer sacrifice with one accord to the gods!' Justin said, 'No right-thinking person falls away from piety to impiety!' Rusticus the prefect said, 'Unless you obey – you shall be punished mercilessly!'

"Justin said..., 'Do what you will! For we are Christians, and do not sacrifice to idols!' Rusticus the prefect pronounced sentence, saying: 'Let those who have refused to sacrifice to the gods and to yield to the commands of the Emperor, be scourged and led away to suffer the punishment of decapitation – according to the laws!'"

Those laws – in God's sight – were, of course, illegal. Nevertheless, adds the *Martyrdom*: "The holy martyrs, having glorified God, and having gone forth to the accustomed place, were beheaded – and perfected their testimony in professing the Saviour."

Very clearly, the *Martyrdom of the Holy Martyrs* shows that the Early Christians would not commit idolatry – even when so required by the law of the land. Obviously, this shows that after critiquing such legislation in the light of the God's Decalogue – those Early Christians disregarded **tyrannical** laws . *Cf.* First John 5:21.

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[77] *Mart. Holy Martyrs*, ch. 1; in *ANF*, Eerdmans ed., I, pp. 303f.
[78] *Ib.*, chs. 4-5.

Theophilus of Antioch on the Commandments of God and Christianity

In the eighth year of Marcus Aurelius Caesar's reign, the Ex-Pagan Christian Theophilus became an Overseer in the Christian Church at Antioch. He had become a Christian as a result of carefully studying the Holy Scriptures.[79]

In his apologetics, Theophilus goes right back to the question of origins. In particular, he refers to the task which God gave to Adam as the ancestor of the entire human race (and therefore even of all Pagans).

After the creation of the Universe out of nothing, as regards the fourth day of formation week Theophilus argues[80] that "the disposition of the [fixed] stars...contains a type of the arrangement and order of the righteous...who keep God's Law and Commandments.... And those [bodies in the sky above]...which change their position...which are called planets – are a type of the men who have wandered away from God, abandoning His Law and His Commandments."

Thereafter, God made man. Explains Theophilus: "When God had made and blessed him so that man should increase and replenish the Earth, God put all things under the dominion of man and at his service.... God made all cattle subject unto men – making man the God-formed image and ruler over all, and putting many...incomprehensible things in subjection to his sway."

Theophilus thereafter continues:[81] "We have, as Lawgiver, Him Who...teaches us to act righteously and to be pious and to do good. Concerning piety, He says [Exodus 20:3f] – 'you shall have no other gods before Me!'; 'you shall not make for yourself any graven image or any likeness of anything that is in Heaven above, or that is in the Earth beneath, or that is in the water under the Earth!'; 'you shall not bow down yourself to them, nor serve them; for I am the Lord your God!' Of doing good, He said – 'honour your father and your mother, so that it may be well with you and so that your days may be long in the land which I the Lord God gives you!'

"Again, concerning righteousness" – Theophilus goes on[82] – God says: "'you shall not commit adultery!'; 'you shall not kill!'; 'you shall not steal!'; 'you shall not bear false witness against your neighbour!'; 'you shall not covet your neighbour's wife, you shalt not covet your neighbour's house, nor his land nor his manservant nor his maidservant nor his ox nor his beast of burden nor any of his cattle nor anything that is your neighbour's!'" Exodus 20:13f.

Further, continues Theophilus: "'You shall not wrest the judgment of the poor in his cause! From every unjust matter, keep yourself far! You shall not slay the innocent and righteous! You shall not justify the wicked! 'And you shalt not take a bribe! For bribes blind the eyes of them that see, and pervert righteous words.'" Exodus 23:6f.

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[79] See *ANF*, II, pp. 88 & 92; & Theoph. *To Autol.*, 1:14.
[80] *Ib.*, 1:15, 18, & 26.
[81] *Ib.*, 3:9.
[82] *Id.*

"Of this Divine Law, Moses – who was also God's servant – was made the Minister both **to all the World** and chiefly to the Hebrews.... He gave them a Law, and taught them these things. Of this great and wonderful Law, which tends to all righteousness, 'the Ten Heads' [alias the Ten Commandments] are such as we have already rehearsed."

Concludes Theophilus:[83] "The people transgressed the Law which had been given to them by God. [But] God being good and full of pity, [and] unwilling to destroy them – in addition to His giving them the Law – afterwards sent forth also Prophets to them from among their brethren: to teach and remind them of the contents of the Law; and to turn them to repentance, so that they might sin no more."

Indeed, this Law clearly had and **still has** many political implications especially for New Testament Christians. For, explains Theophilus,[84] "concerning subjection to authorities and powers, and prayer for them – the Divine Word gives **us** [*viz.* Christians] instructions, in order that '**we** may lead a quiet and peaceable life' [First Timothy 2:2]. And it teaches **us** to render all things to all people [Romans 13:7f] – 'honour to whom honour, fear to whom fear, tribute to whom tribute [is due] – to owe no man anything, but to love all."

So Theophilus grounds the Commandments of God even in the creation of the Universe – and in the Lord's Dominion Charter to all men everywhere as those created as His image. Theophilus sets out the Ten Commandments *seriatim* and *verbatim*.

He reminds Christians that thereby they should owe no man anything but to love all. For thus did also the Prophets repeatedly remind the ancient people of God about the contents of the Law – so that they might sin no more.

Christonomy in the writings of Athenagoras (of Athens)

During Theophilus's lifetime, Emperor Marcus Aurelius – the famous Stoic – passed on. A persecutor of Christians, he was succeeded by his son.

As Professor Kurtz explains,[85] Commodus reigned as Caesar from A.D. 180 to 192. The son of Marcus Aurelius Caesar, the paganistic Commodus was in almost every respect utterly disreputable. Yet, influenced by his mistress Marcia, he showed himself inclined – by exercising clemency – to remit sentences pronounced against Christians.

Nevertheless, the persecution at Scillita in North Africa during the first year of the reign of Commodus – in which the martyr Speratus suffered together with eleven companions – was carried out. This was done, however, in accordance with the edict of Marcus Aurelius and not that of Commodus.

The Athenian philosopher Athenagoras was won to Christianity while reading the Bible – with the very unworthy intention of refuting it. He then presented his apology

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[83] *Ib.*, 3:11.
[84] *Ib.*, 3:14.
[85] *Op. cit.*, p. 80.

of defence of Christianity – a work called *A Plea for the Christians* – to the imperial court. This was then handed over to Marcus Aurelius Caesar and to his son Commodus, around 177 A.D.[86]

In his apology, Athenagoras christocratically reminded[87] the pagan Roman rulers that those "who are called Christians...do **not keep on committing any wrong**." Quite to the contrary, they "are – of all men – most piously and righteously disposed towards the Deity and towards your government."

Nevertheless, Athenagoras complains to the paganistic Roman Emperors, "you allow us to be harassed and plundered and persecuted – the multitude making war upon us because of our ['**Christ**-ian'] Name alone.... We suffer unjustly, and contrary to all law....

"The fine imposed by our persecutors does not aim merely at our property.... They plot against our very bodies and souls, pouring upon us wholesale charges of crimes of which we are guiltless even in thought."

Athenagoras then continued:[88] "If indeed anyone can convict us [Christians] of a crime – be it small or great – we do not ask to be excused from punishment [*cf.* Acts 25:11]. We are prepared to undergo the sharpest and most merciless inflictions. But...up to the present time the stories told about us rest on nothing more than common, undiscriminating, popular talk. Nor has any Christian been convicted of crime.

"It will devolve on you, illustrious and benevolent and most learned sovereigns, to remove by law this despiteful treatment.... For it does not comport with your justice, that others when **charged with crimes should not be punished till they are convicted** – but that in our case the Name we bear [*viz.* '**Christ**-ians'] should have more force than the evidence adduced in the trial. Then the judges, instead of inquiring whether the person arraigned has committed any crime, vent their insults on the Name – as if that were itself a crime!"

Further:[89] "What therefore is conceded as the common right of all, we [now] claim for ourselves – so that we shall not be hated and punished [simply just] because we are called Christians...but be tried on any charges which may be brought against us and [then] either be released on our disproving them, or punished if convicted of crime....

"Let this equal justice, then, be done to us! Let the life of the accused [Christian] persons be investigated! ... If these charges are true – spare no class! Proceed then immediately against our crimes! Destroy us then, root and branch, together with our wives and children – **if** any Christian is found to live like the brutes!"

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[86] *ANF*, II p. 127.
[87] Athenag: *Plea*, ch. 1.
[88] *Ib.*, ch. 2.
[89] *Ib.*, chs. 2-3.

Continued Athenagoras:[90] "Our account lies not with human laws – which a bad man can evade.... But we have a Law which makes the measure of rectitude [rather] to consist in dealing with our neighbour as ourselves [Matthew 22:39 *etc.*].... Having the hope of eternal life..., each of us reckons **her** his wife whom he has married according to the laws laid down.... Though such is our character..., the things said about us are an example of the proverb 'The harlot reproves the chaste!'

"For those who have set up a market for fornication and established infamous resorts for the young, for every kind of vile pleasure – who do not abstain even from males, males with males committing shocking abominations outraging all the noblest and comeliest bodies in all sorts of ways and so dishonouring the fair workmanship of God....sent hither by the hand and will of God – these men, I say, revile us for the very things of which they of themselves are conscious" and indeed often guilty. *Cf.* Romans 1:24-32 & 2:22f.

"They know," continued Athenagoras,[91] "that we cannot endure even to see...murder or cannibalism.... Which of them is able to keep on accusing us of murder or cannibalism? Who [among the unbelievers] does not reckon the contests of gladiators and wild beasts, especially those which are given by you, as being among the things of greatest interest?"

Furthermore: "When **we** [*viz.* **Christians**] say that those women who use drugs to bring on abortion, commit murder – and will have to give an account to God for the abortion – on what principle could **we** [then] commit murder? ... It is not proper...to expose an infant.... Those who expose them, are chargeable with child-murder!"

The philosopher Athenagoras summarizes all of this very well – especially in his other treatise titled *The Resurrection of the Dead*. There, he insists[92] that "God made man for Himself – and in pursuance of the goodness and wisdom which are conspicuous throughout the creation."

Athenagoras concludes by contrasting immortal or never-ending man with the sub-human and purely mortal animals. "To creeping things and birds and fishes – or, to speak more generally, all irrational creatures – God has assigned such a life as that. But to human beings, to those who bear upon them the image of the Creator Himself and are endowed with understanding and blessed with a rational judgment – the Creator has assigned perpetual duration. This is so in order that, recognizing their own Maker and His power and skill and **obeying law and justice**, they might pass their whole existence free from suffering – in the possession of those qualities with which they have bravely borne their preceding life, even though they lived in corruptible and earthly bodies."

So Athenagoras reminded the Roman Pagans that those who are called Christians do not keep on committing wrongs. They highly esteem marriage – and abominate sodomy and the exposure of infants. They also repudiate murder, cannibalism, abortion – and seek to obey both law and justice.

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[90] *Ib.* chs. 32 to 34.
[91] *Ib.*, ch. 35.
[92] Athenag.: *Resurr. of the Dead.*, ch. 12.

Irenaeus condemns the heresies also of antinomianism

We now come to the greatest of all the second-century Early Church Fathers. We mean Irenaeus of Lyons and Vienne on the Rhone, the Overseer of the Gallic Church in what is now France – just some twenty miles across the British Channel from the Gauls' cousins their fellow-Brythonic Britons. Probably originally from a Celto-Galatian community in Smyrna (Revelation 2:8-11), doubtless Irenaeus and other Christians in Celtic Gaul then had contact with their fellow-Brythonic Christians also in nearby Britain.

Glasgow University Professor Dr. John Foster in his book *Christianity in Early Britain* (pp. 2f & 16 & 39f) demonstrates that Christianity had certainly already crossed the British Channel by the time of the A.D. 177f Church Father Irenaeus. And Dr. Diana Leatham, in her book *Celtic Sunrise* (pp. 12-14), says that the Celto-Brythonic Christians in Britain were very early linked through their fellow-Brythons in West-Gaul-atia in Gaul to their Christian brethren in East-Gaul-atia alias Gaul-Asia or Galatia (including its Smyrna).

Rev. Dr. Lightfoot, in his book *St. Paul's Epistle to the Galatians* (pp. 239-50f), shows not only that many of the Belgi or Galts or from Northwestern Celtica had settled in Britain during the first century B.C. He also suggests that one of St. Paul's Gal-atian converts may very well have followed the trade route to Southern Britain, and preached the Gospel there in the common language then spoken by the Celts all the way from Galatia through Gaul to Britain.

In his youth while in Smyrna, Irenaeus became acquainted[93] with the Apostle John's disciple Polycarp. Later becoming an Overseer in what is now France around 177 A.D., Irenaeus even went to Rome during the terrible persecution by the Pagan Roman Emperor Marcus Aurelius of the Christian martyrs of Lyons and Vienne – when some suggest there was an influx of such Christian refugees into the Christian churches of their co-Brythonic Britain. Subsequently, perhaps between 182 and 188 A.D., Irenaeus wrote his greatest extant work: *Against Heresies*.[94]

Irenaeus anti-dispensationalistically and christocratically insists[95] upon the unity of the covenants throughout Scripture. About Jesus, he asks: "How do the Scriptures testify of Him? ... All things have ever been revealed and shown to believers by one and the same God, through the Word. He at one time conferred with His creature; and at another [time] propounded His Law.

"At one time, again, He reproved; at another, He exhorted; and then He set His servant free – adopting him as a son.... At the proper time, He bestowed an incorruptible inheritance – so as to bring man to perfection. For He formed him for growth and increase. As the Scripture says: 'Increase and multiply!'" Genesis 1:28.

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[93] Iren.: *Ag. Her.*, III:3:3-4.
[94] Thus *ANF*, Eerdmans ed., I pp. 309-12.
[95] *Ag. Her.*, IV:11:1.

Irenaeus further tells us[96] that "the tradition of the [Pharisaical Judaistic] Elders themselves – which they pretended to observe from the Law – was contrary to the Law given by Moses [*cf.* Matthew 15:1-9].... The Lord [Jesus] has taught...the first and greatest Commandment of the Law [Matthew 22:36f *cf.* Deuteronomy 6:5].... Paul in like manner declares, 'Love is the fulfilling of the Law' [Romans 13:10 *cf.* Matthew 22:40]....

"As in the Law, therefore, and in the Gospel [likewise], the first and greatest Commandment is to love the Lord God with the whole heart. And then there follows a Commandment like to it: to love one's neighbour as one's self [Leviticus 19:18 *cf.* Matthew 19:19]. The Author of the Law and the Gospel is shown to be one and the same.... **The Law did beforehand teach mankind the necessity of following Christ**."

When Christ came to Earth, continues Irenaeus,[97] "**the Lord did not abrogate the natural [precepts] of the Law**.... In the beginning...God formed **Adam [and Eve]**.... He Himself...had need of nothing, but granted communion with Himself to those who stood in need of it.... **God at the first indeed warned them by means of natural precepts which from the beginning He had implanted in mankind...by means of the Decalogue**."

Further: "**The righteous fathers had the meaning of the Decalogue written in their hearts and souls**.... As also Moses says in Deuteronomy [chapter 5f]..., it enjoined love to God and taught just dealing towards our neighbour...through the medium of the Decalogue.... The Lord Himself did speak in His own person to all alike **the words of the Decalogue**. And therefore, in like manner, do they [those Ten Commandments] **remain permanently with us** [Christians] – receiving by means of His advent in the flesh **extension and increase**, but **not abrogation**."

So Irenaeus recognized that the Law had previously taught mankind its need to follow the Lord Christ. At His incarnation, Jesus did not abrogate the precepts of the Law. God formed Adam and Eve, and warned them by precepts He implanted into mankind from the beginning by means of the Decalogue. The patriarchs had the Decalogue written in their hearts, enjoining love to God – and for one's neighbour. The Lord Jesus Himself spoke the words of the Decalogue. Those Ten Commandments remain – receiving increase by His advent.

Irenaeus on the antinomian and historic[alistic] Latin Antichrist

Now the (185 A.D.) Irenaeus in Brythonic Gaul also describes the antichristian character of the God-permitted but doomed kingdom of Rome – even throughout its then-still-future development. Says he:[98] "By means of the events which shall occur in the time of Antichrist, it is shown that he – being an apostate and a robber – is anxious to be adored as God.... Although a mere slave, he wishes himself to be proclaimed as a king....

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[96] *Ib.*, IV:12:1-5.
[97] *Ib.*, IV:13:1 & 14:1-2 & 15:1 & 16:3-4.
[98] *Ib.*, V:25:1.

"The Apostle speaks thus in the Second Epistle to the Thessalonians [2:3f].... 'There shall come a falling away first, and the man of sin shall be revealed, the son of perdition who opposes and exalts himself above all that is called God or that is worshipped'.... Also Daniel [7:8f], looking forward to the end of the last kingdom – *i.e.*, **the ten last kings [or kingdoms] amongst whom the kingdom[s] of those men shall be partitioned, and whereupon the 'son of perdition' shall come** – declares that **ten horns shall spring from the beast, and that another little horn shall arise in the midst of them"; and thereafter grow to become very stout**.

Irenaeus then concludes:[99] "In a still clearer light has John, in the Apocalypse, indicated to the Lord's disciples what shall happen...concerning **the ten kings who shall then arise, among whom the [Roman] Empire which now rules [the Earth]** shall be partitioned [Revelation 17:12 *etc.*].... **When he [Antichrist] is come, and of his own accord concentrates in his own person the apostasy** – he shall do according to his own will and choice, **sitting also in the temple of God**, so that his dupes may adore him as the Christ..., whose coming John has thus described in the Apocalypse [Revelation 13:2 *etc.*]....

"He says also: 'And he will cause a mark [to be put] in the forehead and in the right hand, so that no one may be able to buy or sell unless he who has the mark of the name of the beast or the number of his name; and the number is 666' [Revelation 13:14f].... ***Lateinos* [alias 'the Latin one'] has the number 666**; and it is a very probable [solution], this being the name of the last kingdom" of the four seen by Daniel (7:8f). "For the Latins are they who at present bear rule."

Very clearly, Irenaeus expected the Antichrist to be a Latin power – and an extension of the pagan Roman Empire of his own day: "the Latins...who at present bear rule." Perhaps for that reason, it has often been overlooked that Irenaeus's eschatology is nevertheless – at least in the long term – essentially optimistic. For the observation that "the Latins...**at present** bear rule" – implies that they would not continue to bear rule for too long also in the then-future.

So Irenaeus recognizes that the Antichrist would be a Latin and indeed also an apostate from True Christianity. He would rule in the temple of God over the Roman Empire – **after** its disintegration into ten regions (at the end of the fifth century). However, Irenaeus was also optimistic as to the subsequent future of the Kingdom of God right here on Earth.

Eschatological optimism in the views of Irenaeus of Lyons

It should be noted Irenaeus also declares[100] that "the wages of Christ are human beings who from various and diverse nations come together into one cohort of faith." Matthew 8:11f. "In Psalm 2:8 the Father promised Him, saying, 'Ask of Me and I will give You the heathen as Your inheritance – the uttermost parts of the Earth for Your possession!' Beforehand, Christ...by means of His Patriarchs and Prophets was

[99] *Ib.*, V:26:1 & 28:1-2 & 30:3.
[100] *Ib.*, IV:21:2 & 34:4.

prefiguring and declaring future things." Indeed, those "future things" would start to occur from the very time of Christ's incarnation – alias from His first advent onward.

Explains Irenaeus: "From the Lord's advent, the New Covenant which brings **back** peace – and the **Law** which gives life – has gone forth over the whole Earth. This the Prophets had predicted [Isaiah 2:3-4 & Micah 4:2-3]. 'For the Law shall go forth out of Zion [alias the Christian Church] – and the Word of the Lord shall go forth from Jerusalem [alias Christianity]. Then He shall rebuke many people. Then they shall break down their swords into ploughshares and their spears into pruning-hooks; and they shall no longer learn to fight.'"

The promises of this optimistic eschatology are to be realized christocratically. Explains Irenaeus:[101] '"The Earth is the Lord's, and the fullness thereof; the World, and all that dwell therein!'" Psalm 24:1 *cf.* First Corinthians 10:26-31.

"Therefore the Apostle Paul says also in the Epistle to the Romans [13:1-7], 'For there is no [political] power – but of God. Whosoever resists the [political] power, resists the ordinance of God. And they that resist – shall receive to themselves condemnation. For rulers are not for a terror to a good work – but to an evil [work]. Will you then not be afraid of the [political] power?

"Do that which is good – and you shall have praise from the same! For he is the minister of God to you, for good. But if you do that which is evil – be afraid! For he does not bear the sword in vain. For he is the Minister of God – the avenger for wrath upon him who does evil. Therefore, you must needs be subject.... For this reason, you pay taxes. For they are God's ministers – attending continually to this very thing.'"

Irenaeus further elaborates[102] upon this. "As therefore the devil lied at the beginning, so did he also in the end.... He said [Matthew 4:9 & Luke 4:6], 'All these things [namely God-created riches] have been handed to me and to whomsoever I wish to give them.' Yet it is not he [Satan] who has appointed the kingdoms of this World, but God. For 'the heart of the king is in the hand of God' [Proverbs 21:1].

"Indeed, the Word also says by Solomon [Proverbs 8:15], 'By Me kings do reign and princes administer justice. By Me chiefs are raised up and by Me kings rule the earth.' Paul the Apostle also says upon this same subject, 'Be you subject to all the higher powers; for there is no power but of God! Now, those which are – have been ordained by God.'" Romans 13:1f.

He continues:[103] "Magistrates themselves, having laws as a clothing of righteousness **whenever they act in a just and legitimate manner**, shall not be called into question for their conduct nor be liable to punishment. But whatsoever they do to the subversion of justice – iniquitously and impiously, and illegally and tyrannically – in these things shall they also perish! For the just judgment of God comes equally upon all, and in no case is it defective.

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[101] *Ib.* IV:36:6.
[102] *Ib.*, V:24:1.
[103] *Ib.*, V:24:2-3.

"Earthly rule, therefore, has been appointed by God **for the benefit of nations**.... The devil, however, as he is the apostate angel, can only go to this length, as he did at the beginning – [namely] to deceive and lead astray the mind of man into disobeying **the Commandments of God**."

So then, to Irenaeus of Brythonic Gaul, a Latin Antichrist would arise and cause much anguish. Yet **beyond** that, the law-abiding Christian Church would yet expand her influence – and at length triumph even internationally. For the New Covenant brings back peace, and sends forth over the whole Earth the Law which gives life even for the benefit of the nations.

Clement of Alexandria: a strongly christocratic Christonomy

The next Emperor, explains Church History Professor J.H. Kurtz,[104] was Septimius Severus. He ruled the pagan Roman Empire from A.D. 193 to 211. A Christian slave, one Proculus, had healed him of a sickness through anointing him with oil. Consequently, Septimius was at first decidedly favourable toward Christians.

On the other hand, he himself later – in A.D. 202 – issued a tyrannical edict which forbade conversions to Christianity (and even to Judaism). The storm of persecution thereby excited, seems to have been limited to Egypt and North Africa. Yet intermittent persecution smouldered on – throughout the reign of Septimius, who died in York after failing to subjugate the North-Britons.

In Egypt, the philosopher Clement – himself originally a Pagan – became a Christian. Ultimately he rose to become Principal of the Church's Catechetical School in Alexandria (around A.D. 190). There he remained until he had to leave under the persecution of that idolatrous Pagan, Septimius Severus Caesar.[105]

It is not surprising that Clement was then forced out of his teaching position. For it is he who wrote in his *Exhortation to the Heathen*:[106] "We are expressly prohibited from exercising a deceptive art. 'For you shall not make,' says the Prophet, 'the likeness of anything which is in Heaven above or in the Earth beneath!'" See Exodus 20:4 on the Second Commandment.

Nevertheless, anent the Third and the Fifth Commandments, Clement of Alexandria also wrote[107] that "rulers are not a terror to a good work. How shall God, Who is by nature good, be a terror to him who sins not? 'If you do evil, be afraid! – says the Apostle [Romans 13:3f].... 'You shall not take the Name of the Lord your God in vain. For the Lord will not hold him guiltless, that takes His Name in vain!'" Exodus 20:7, *cf.* 20:12.

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[104] *Op. cit.*, pp. 80f.
[105] *ANF*, Eerdmans ed., II pp. 166f.
[106] Clem. Alex.: *Exhort. to Heathen*, ch. 4.
[107] Clem. Alex.: *Paedog.*, I ch. 9 & III ch. 11-12.

Clement goes on: "We have the Decalogue given by Moses which, indicating by an elementary principle – simple and of one kind – defines the designation of sins in a way conducive to salvation. 'You shall not commit adultery!' 'You shall not worship idols!' 'You shall not corrupt boys!' 'You shall not steal!' 'You shall not bear false witness!' 'Honour your father and your mother!' And so forth. **These things are to be observed**!" Exodus 20:2-17 and Leviticus 18:22 & 20:13 with Romans 1:24-32 & First Corinthians 6:9 & First Timothy 1:8-10.

Continues Clement: "We may comprehend the Commandments in two. As the Lord says, 'you shall love the Lord your God with all your heart with all your soul and with all your strength; and your neighbour as yourself!' Then – from these – He infers, 'on this hang the Law and the Prophets!'

"Further, to him who asked, 'What good thing shall I do, so that I may inherit eternal life?' – He answered, 'You know the Commandments!' Then, on him replying, 'yes' – He said, 'Do this and you shall be saved!'"

Clement is much more specific and concrete in his important *Miscellanies*. There, he indicates that the Mosaic Law is the fountain of all ethics. Indeed, he even says it is the source from which both the Greeks and the Romans drew theirs.[108]

Explains Clement[109] to the Pagans: "The Law expressly commands..., 'Neither shall you seethe a lamb in its mother's milk!' [Deuteronomy 14:21].... Let the Greeks, then, feels ashamed...while they expose the offspring of men – though long ago, and prophetically, the Law in the above-mentioned Commandments threw checks in the way of their cruelty....

"What cause is there for the exposure of a child? For the man who did not desire to beget children, had no right to marry at first – certainly not to have become, through licentious indulgence, the murderer of his children! Again, the humane [Mosaic] Law forbids slaying the offspring and the dam together on the same day [*cf.* Exodus 34:26]. Thence also the Romans, in the case of a pregnant woman being condemned to death, do not allow her to undergo punishment till she is delivered."

Holds Clement:[110] "From the Commandments spring both wisdom (which follows God Who enjoins) and that which imitates the divine character (namely righteousness).... 'The beginning, then, of wisdom, is piety.... The knowledge of holy things, is understanding.... To know the Law, is the characteristic of a good understanding.' [Proverbs 9:10].... It forbids intercourse with a female captive so as to dishonour her [Deuteronomy 21:10f]....

"The same Law commands 'not to muzzle the ox which treads out the corn. For the labourer must be reckoned worthy of his food' [Deuteronomy 25:4 *cf.* First Timothy 5:18].... It prohibits an ox and ass to be yoked in the plough together [Deuteronomy 22:10].... To me, the allegory also seems to signify that the husbandry of the Word is not to be assigned equally to the clean and the unclean, the believer and the unbeliever [*cf.* Second Corinthians 6:14-18].... The benignant Word, abounding in humanity,

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[108] Compare *ANF*, Eerdmans ed., II p. 365.
[109] Clem. Alex.: *Strom.* II:18.
[110] *Id*.

teaches that neither is it right to cut down cultivated trees, or to cut down the grain before the harvest [Deuteronomy 20:19f]."

Continues Clement:[111] "The Law says 'You shall not commit adultery!' And the Gospel says: 'Whosoever looks at a woman lustfully, has already committed adultery.' For this, 'You shall not covet!' which is pronounced by the Law – shows that it is one and the same God Who preaches through the Law and the Prophets and the Gospel.... For Abraham is the father not only of the Hebrews, but also of the Gentiles....

"If both the adulteress and the adulterer are punished by death [Deuteronomy 22:22] – it is clear too that the precept which teaches 'You shall not lust after your neighbour's wife!' is **addressed to the Gentiles too**." So too: "Honour father and mother, so that it may go well with you!" Exodus 20:12.

In respect of both of these and also other divine precepts, explains Clement, God declares: "Behold, I set before your face life and death – to love the Lord your God, and to walk in His ways, and hear His Voice, and trust in life. But if you transgress the statutes and the judgments which I have given you – you shall be destroyed with destruction. For this is your life and the length of your days: to love the Lord your God!" Deuteronomy 30:15f.

Clement then goes on:[112] "The Apostle says 'that he who loves his brother, does not work evil.' For this: 'You shall not kill!'; 'you shall not commit adultery!; 'You shall not steal!'; and if there is any other Commandment – it is comprehended in the Word, 'You shall love the Lord your God with all your heart and you shall love your neighbour as yourself!' [Luke 10:27].... If 'he who loves his neighbour does not work evil' and if 'every Commandment is comprehended in this " loving of one's neighbour – then it is obvious that "the Commandments...work love, not hatred."

Indeed, Clement adds[113] that "it is then rightly said by the Apostle...[that]: 'You shall not commit adultery!'; 'You shall not steal!'; 'You shall not covet!' [Romans 13:9].... For we must never – as do those who follow the heresies – adulterate the truth or steal the canon of the Church by gratifying our own lusts and vanity [or] by defrauding our neighbours, whom above all it is our duty, in the exercise of love to them, to teach to adhere to the truth. It is accordingly expressly said, 'Declare among the heathen His statutes!' [*cf.* Isaiah 12:4] – so that they may not be judged but...may be converted."

So Clement insists that also Christians are to uphold the Decalogue given by Moses – including the injunction to honour one's parents and the prohibitions against adultery, idolatry and paederasty. For the Mosaic Law is the fountain of all ethics, and to know the Law is the characteristic of a good understanding. Accordingly, also today, one must declare God's statutes among the heathen.

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[111] *Ib.*, II:2 & 15.
[112] *Ib.*, IV:3.
[113] *Ib.*, VII:16.

Optimistic Eschatology in the works of Clement (of Alexandria)

However, Clement of Alexandria is not just Christonomic. He also upholds an optimistic eschatology. Says he:[114] "In the person of God it is said to the Lord [Jesus], 'Ask of Me, and I will give the heathen for Your inheritance' [Psalm 2:8] – teaching Him to ask a truly regal request; that is, the salvation of men without price; so that we may inherit and possess the Lord....

"Also the Prophet Malachi plainly exhibits God. [For he] says..., 'From the rising of the sun to its going down – My Name is glorified among the Gentiles.... In every place, sacrifice is offered to Me' [Malachi 1:10-14]. And again – 'Because I am a great King, saith the Lord omnipotent; and My Name is manifest amongst the nations!' What Name? The Son – declaring the Father, among the Greeks who have believed."

Clement concludes:[115] "The word of our Teacher [Jesus Christ] remained not in Judea alone, as philosophy did in Greece. But it gets diffused over the whole World, over every nation and village and town – already bringing whole houses over to the truth; and each individual by himself of those who hear it; and not a few of the philosophers themselves.....

"If any one ruler whatever prohibits the Greek philosophy, it vanishes forthwith. But our doctrine on its very first proclamation, was prohibited by kings and tyrants together – as well as by particular rulers and governors, together with all their mercenaries, and in addition by innumerable men warring against us and endeavouring as far as they could to exterminate it. **Yet it flourishes <u>the more</u>**!"

So Clement teaches that, because even the Heathen Gentiles have been given to Christ as His inheritance, the Gospel would yet get diffused over the whole World. Indeed, it would flourish more and more – in spite of all the futile attempts of tyrants to thwart it.

The christonomic antidispensationism of the Roman Presbyter Caius

Around 200 A.D., Caius – a most learned Presbyter of Rome – wrote a work refuting the pseudoglossolalic Proclus the Montanist. Caius apparently also drew up the *Muratorian Canon*. That recognized precisely where the Holy Spirit still speaks – namely in Holy Scripture alone.[116]

In the *Muratorian Canon*, it is stated that the Apostle Paul wrote his epistle "to the Romans [*cf.* 11:12-32] on **the <u>rule</u> of the <u>Old</u> Testament Scriptures**." It is also stated in that *Muratorian Canon*, that "we receive also the Apocalypse of John."[117]

In the former work,[118] his *Dialogue against Proclus*, Caius the Presbyter refutes also the **<u>pseudopentecostalistic</u> and <u>ultrapremillennialistic</u> Cerinthus – a famous**

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[114] *Ib.*, IV:22 & V:14.
[115] *Ib.* VI:18.
[116] *ANF*, Eerdmans ed., V pp. 599 to 604.
[117] Caius: *Mur. Can.*, 3 & 4.
[118] Caius: *Dial. against Proc.*, frag. 2.

heretic. Caius says Cerinthus claimed to have received divine messages "through 'revelations' he would have us believe were written by a great 'Apostle'....

"These, he pretends, were shown him by angels – alleging that after the resurrection [of our flesh]...the flesh dwells in Jerusalem.... Being **an enemy to the Scriptures of God** – wishing to deceive men, **he says that there is to be a space of a thousand years for marriage festivals**." *Cf.* Revelation chapters 13 to 20.

So Caius comes down against additional revelations, and in favour of the sufficiency of Scripture. He also comes down against Scripture-shrinking dispensationalism – and implicitly in favour of an integral covenantal theology as well as an expansive eschatology.

The christocratic *Apology* of Tertullian (of Carthage)

This then brings us to the North African Tertullian (who was born around 145 A.D.). He was quite the greatest Christian writer of the Early Patristic Church. A Gentile **Lawyer**, he was converted to Christianity about 185 A.D. He became a Presbyter around 192. Then, after issuing very many copious writings (some of which are still extant but others of which have been lost) – he died about 220 A.D.

In his famous defence of Christianity titled *Apology to the Rulers of the Roman Empire*,[119] Tertullian raised a very important question. Desiring an answer from those pagan rulers, in his *Apology* he asked them:[120] "If it is certain that we [Christians] are the most guilty of men – why do you treat us differently...from other 'criminals'? Since it is only fair that the same guilt should meet with the same treatment!

"When others are accused on the charges which are brought against us – they employ their own tongues, and their own hired advocates, to plead their innocence. They have full opportunity of reply and cross-examination. For it is not permitted to condemn men undefended and unheard.

"Christians alone are not allowed to say anything to clear themselves; to defend truth; to save a Judge from injustice! That alone is sought, which the public hatred [of Christianity] demands – the professing of the Name [of Christ]; not the investigation of the charge!"

Tertullian then implores the pagan Romans to investigate the claims of Christ. He urges them:[121] "Examine then, and see if He be not the dispenser of kingdoms – He Who is Lord both of the World which is ruled, as well as of man himself who rules! See if He has not ordained the changes of dynasties! ... The rise and the fall of States are...the work of Him under Whose sovereignty the human race once existed without States at all....

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[119] Tert.: *Ap.*, ch. 1.
[120] *Ib.* (197), ch. 2.
[121] *Ib.*, ch. 26.

"The Babylonians too exercised dominion, before the days of the [pagan Roman] pontiffs – and the Medes before the quindecemvirs [of Ancient Rome].... If the **religions** of Rome give empire, Ancient Judea would never have been a kingdom – despising as it did one and all of those idol deities. You Romans once honoured Judea's God...and her temple with gifts, and her people with treaties. She would never have been beneath your sceptre – but for that last and crowning offence [of the Judeans] against God, in rejecting and crucifying Christ."

Nevertheless, continues Tertullian,[122] we Christians "offer prayer to the Eternal One for the safety of our princes. He is the true and the living God – Whose favour, beyond all others, they must themselves desire. They know from Whom they have obtained their power! Because they are men, they know from Whom they have received life itself! They are convinced that He alone is God, on Whose power alone they are entirely dependent....

"Let the Emperor then make war – against Heaven! Let him [the Emperor] lead Heaven captive – in his triumph! ... Let him [the Emperor] impose taxes – on Heaven! He [the Emperor] cannot! ... He [the Emperor] is less than Heaven....

"Without ceasing, we [Christians] offer prayer for all our Emperors. We pray for life prolonged; for security to the Empire; for protection to the Imperial House; for brave armies, a faithful Senate, a virtuous people, the World at rest – whatever, as man or caesar, an Emperor would wish....

"You then who think we care nothing for the welfare of Caesar – should look into God's revelations! Examine our sacred books! ... Learn from them that a large benevolence is enjoined upon us...to supplicate God for our enemies [*cf.* Matthew 5:44].... Most clearly, the Scripture says, 'Pray for kings and rulers and powers – that all may be at peace for you' [First Timothy 2:2]!"

Tertullian of Carthage then explains further:[123] "There is another and a greater need for us [Christians] to pray for the Emperor, and indeed for the whole estate of the Empire and the interests of Rome. For we know that the great [papal] upheaval which hangs over the whole Earth...threatening terrible woes, is only delayed by the respite granted to the Roman Empire [Second Thessalonians 2:3-8, especially verse 6].

"Because we do not wish to experience these things, we favour [imperial] Rome's long continuance – when we pray that they [the future papal persecutions] be delayed.... In the Emperor, we reverence the judgment of God Who has set him over the nations."

The (A.D. 200f) Tertullian goes on:[124] "But why dwell longer on the reverence and sacred respect of Christians to the Emperor whom we cannot but look up to as [having been] called by our Lord to his office? ... Caesar is more ours than yours. For our God has appointed him....

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[122] *Ib.*, chs. 30 to 31.
[123] *Ib.*, ch. 32.
[124] *Ib.*, chs. 33 to 34.

"Never will I call the emperor 'God'! ... I dare not turn him into ridicule.... To call him God, is to rob him of his title.... Even when, amid the honours of a triumph, he sits on that lofty chariot – he is reminded that he is only human....

"Augustus, the founder of the Empire, did not even wish to have the title 'Lord'; for that, too, is a name of Deity.... I have but one true Lord – the God Omnipotent and Eternal Who is Lord over the Emperor as well.... Give all reverence to God – if you wish Him to be propitious to the Emperor! Give up all worship of, and belief in, any other being as divine! ... It is the invocation of a curse to give Caesar the Name of God!"

Continues Tertullian:[125] "Christians...pay no vain nor false nor foolish honours to the Emperor.... We [do] keep 'the votive days' and 'high rejoicings' in honour of the caesars – with chastity, sobriety, and virtue.... On 'the day of gladness' [Psalm 118:24 compare Acts 4:10-12]...we neither cover our door-posts with laurels, nor intrude upon the day with lamps.... We do not celebrate along with you the 'holidays of the caesars' – in a manner forbidden alike by modesty, decency, and purity....

"Ought not Christians, therefore, to receive not merely a somewhat milder treatment [than they are doing] – but to have a place among the law-tolerated societies? For they are not chargeable with any such crimes as are commonly dreaded from societies of illicit class!"

So Tertullian pleads for equality before the Roman Law also for unprivileged Christians. He predicts that an even greater oppression [the papacy] would later arise in Rome. Meantime, the powerful Roman Empire would restrain the manifestation of that greater oppression. Notwithstanding that, never would Tertullian call any of the Emperors 'God' (as the Pagans did).

The A.D. 196 Tertullian's outspokenly Anti-Antinomian Christonomy

Finally, Tertullian becomes even bolder. Having cleared Christians of the false charges brought against them, he now denounces the real culprit – the Paganism of the political rulers of Rome at that time.

To Rome's then-still-heathen emperors, Tertullian boldly declared:[126] "It is you therefore who are the sources of trouble in human affairs! On you lies the blame of public adversities, since you are ever attracting them – you by whom God is despised and images are worshipped."

The African Tertullian then pointed out to the Romans that his own fellow-Christians – being actively involved in the affairs of human life – should be more acceptable to them than were retreatist Orientals. He insisted: "We are not Indian Brahmins or Gymnosophists who dwell in woods and exile themselves from ordinary

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[125] *Ib.*, chs. 35 to 38.
[126] *Ib.*, chs. 41 to 42 & 50.

human life.... We sail with you; and fight alongside of you; and till the ground with you."

On the other hand, Tertullian did not hesitate to inform the still-ruling Pagan Romans that their hold over society was weakening – even while Christianity was constantly growing stronger. Even the Pagans themselves sensed this.

As Tertullian reminded them: "**You** say the [pagan] temple revenues are every day falling off. How few **now** throw in a contribution!" But the voluntary contributions toward **Christian** charities, were even then every day **increasing**.

Tertullian then told the Roman Pagans: "In truth, **we** [Christians] are **not** able to give alms both to **your** human and your heavenly mendicants.... **Our** compassion spends more in the streets, than **yours** does in the temples. **But** your other **taxes** will acknowledge a **debt** of gratitude to **Christians**. For in the faithfulness which keeps us from defrauding a brother – we make conscience of paying to all their dues....

"The oftener we are mowed down by you – **the more in number we grow**! The blood of Christians – is seed. Many of your writers exhort to the courageous bearing of pain and death.... Their words do not find so many disciples – as Christians do.... Who, after **inquiry**, does **not** embrace our doctrines?"

Also Tertullian's work *Against Idolatry* is rich in instruction. There, he christocratically insists[127] that "the Divine Law proclaims: 'You shall make no idol!'.... If one reverences God, one keeps His Law.... If you [idolators] too look back..., you too should imitate Moses.... For also in the first part of the Law, He says 'You must not use the Name of the Lord your God in a vain thing!' That is, in an idol."

This refers to the idolatrous worship also of the Emperor. Tertullian explains: "As to what relates to the honour due to kings or emperors – we have a prescript sufficient that it behooves us to be in all obedience, according to the precepts of the Apostles." Romans 13:1 & First Peter 2:13f. We are indeed to be "'subject to magistrates and princes and powers' [Titus 3:1] – but within the limits of discipline, so long as we keep ourselves separate from idolatry....

"It is also for this reason that the example of the three brethren has preceded us. In other respects, they were obedient toward King Nebuchadnezzar – but constantly rejected honouring his image (Daniel chapter 3].... So too Daniel, in all other points submissive to Darius, remained dutiful only so long as free from danger to his religion [Daniel chapter 6]. Indeed, to avoid undergoing that danger – he feared the royal lions no more than they the royal fires."

In his work *The Chaplet*, Tertullian declares regarding the followers of Jesus Christ:[128] "Nowhere does the Christ-ian change his character.... With Him [Jesus Christ Himself], His faithful citizen is a soldier.... Military service is lawful, as far as the plea for the crown is concerned.... 'Render under Caesar the things which are Caesar's, and unto God the things which are God's!'" Matthew 22:21.

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[127] Tert.: *On Idol.*, chs. 4,5,20 & 15.
[128] Tert.: *On the Crown*, chs. 11 -13.

Yet, continues Tertullian: "From so much as [even] dwelling in that Babylon of John's Revelation [18:4] – we are called away." Tertullian understood[129] "that Babylon" mentioned above, to be the then-still-pagan **Rome**. As he elsewhere declares:[130] "'**Babylon**,' in our own [Apocalypse of] John, is a figure of **the city Rome** – as being equally great and proud of her sway, and triumphant over the saints." See Revelation chapters 17 & 18.

Indeed, as Tertullian also reminds the pagan Romans and other Heathen in his work *To the Nations*:[131] "Since your own transactions in human blood and infanticide have faded from your memory – you shall be duly reminded of them.... You are forbidden by the laws to slay new-born infants.... No laws are evaded with more impunity.... You do not kill your infants in the way of a sacred rite.... You make away with them in a more cruel manner.... Is it a light thing in your view...when you consume [some]one wholly before he comes to birth?"

Again: "We [Christians] do not call the Emperor 'God'.... You [Pagans] who call Caesar 'God' mock him, by calling him what he is not – and also curse him, because he does not want to be what you call him."

Tertullian then concludes that famous work as follows:[132] "There yet remains for our consideration – that very large assumption of the Roman superstitions which, O Heathen, we have to meet in opposition to you. *Viz.*, that the Romans have become the lords and masters of the whole World – because by their [pagan] religious offices they have merited this dominion....

"All nations have possessed empire, each in its proper time – as the Assyrians, the Medes, the Persians, the Egyptians.... At last, almost universal dominion has accrued [now] to the Romans."

However – "Inquire **Who** has ordained these changes in the times! It is the same [God and Almighty Being] Who dispenses kingdoms. It is He Who has now put the supremacy of them into the hands of the Romans – very much as if the tribute of many nations, after its exaction, were amassed in one [vast] coffer. What He has determined concerning it, **they** know who are the nearest to Him" – namely the **Christ-ians**. *Cf.* Too especially Second Thessalonians chapter 2:3-8f.

So Tertullian asked the waning Pagans who then controlled the Roman State to be grateful to the increasing Christians for so promptly paying their taxes. He called upon those pagan power-wielders to give back to God the things which are God's. He also called upon the Roman State to enforce its own slackened laws against infanticide, and reminded it that Almighty God Who had now placed the supremacy in the hands of the Romans – had previously taken it away from their Non-Roman predecessors. Indeed, Tertullian clearly implied that God would yet do the same also

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[129] *ANF*, Eerdman's ed., III p. 101 n. 10.
[130] Tert.: *To the Nations*, ch. 9.
[131] *Ib.* chs. 15 & 17.
[132] *Ib.*, ch. 17.

in respect of the Romans – "as **they** know who are the nearest to Him" (*viz.* the Christians).

Tertullian on the Christonomic Christianization also of Britain

In his work *An Answer to the Jews*, Tertullian declares:[133] "Why should God the Founder of the Universe; the Governor of the whole World; the Fashioner of humanity; the Sower of universal nations – be believed to have given a Law through Moses to **one** people, and **not** be said to have assigned it to **all** nations? ... For in the beginning of the World – **He gave to Adam himself, and [to] Eve, a Law**....

"In this Law given to Adam, we recognize in embryo all the precepts which afterwards sprouted forth when given through Moses. That is – 'You shall love the Lord your God from your whole heart and from your whole soul; you shall love your neighbour as yourself; you shall not kill; you shall not commit adultery; you shall not steal; false witness you shall not utter; honour your father and mother; and, that which is another's, you shall not covet!' For **[thus the Decalogue alias] the Primordial Law was given to Adam and Eve, in paradise, as the womb of all the precepts of God**."

In Tertullian's work *Antidote for the Scorpion's Sting*, he states that also "the Gospels" have "their **root**" in "the Law."[134] He continues in his work *To the Jews*:[135] "Before the Law of Moses, written on tablets of stone – I contend that **there was an Unwritten Law which habitually was understood 'naturally' and habitually kept by the fathers**.

"For when was Noah 'found righteous' – if in his case the righteousness of a **Natural Law** had not preceded? Whence was Abraham accounted 'a friend of God' – if, before the priesthood of the Levitical Law, there were not 'Levites' who were wont to offer sacrifices to God?"

Later too, "Moses said to the people: '**Remember** the sabbath day, to sanctify it! You shall not do any servile work on it!' ... Whence we understand that **we [Christians] still more** ought to observe a sabbath!" First Corinthians 16:1f & Hebrews 4:8-11.

Very significantly, Tertullian then claims (**around 196 A.D.**) that God's Law and Christ's Gospel had long before then already reached **the Ancient Britons**. For Tertullian refers to the beginning of the christianization, **before** then, also of **those** Britons to the **north** of Hadrian's Wall erected from A.D. 117 onward (by the pagan Romans) across what is now Northern England.

Thus, still continuing his address *To the Jews*,[136] Tertullian insists that the **Messiah** "Christ has **already** come. For Whom have the **nations** believed?" Jesus! Indeed, there had been such a faith in **Him** – already even at "Jerusalem" on Pentecost Sunday. Acts 2:5-11.

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[133] Tert.: *To the Jews*, ch. 2.
[134] Tert.: *Antid. Scorp.*, ch. 2.
[135] *Op. cit.*, chs. 2 & 4.
[136] *Op. cit.* ch. 9.

Elsewhere too, Acts 1:8 *cf.* 13:44-48, there had soon thereafter been a similar faith in Christ on the part of **many** among the "Jews and other nations." Such, insisted Tertullian, included also "**the Britons** inaccessible to the Romans but **subjugated to Christ**.... The Britons are shut within the circuit of their own Ocean.... But **Christ's Name is extending** everywhere!"

So Tertullian taught that God gave His Law even to Adam and Eve. That Law was the Decalogue – the womb of all the precepts of God in which also the Gospel roots. The Law was unwritten initially – naturally understood, and habitually kept. It still obtains – which is why Christians ought to observe the Sabbath stilll more than did even the Mosaic Israelites. This is what **Christian Britons** also north of Hadrian's Wall and inaccessible to the Romans had already done, long before 196 A.D.

The Trinicentric Tertullian's Christocratic Postmillennialism

In refuting an antitrinitarian heretic in chapters 2 and 12 of his own great work *Against Praxeas*, Tertullian gives us perhaps **the** classical statement anent the Ontological Trinity. After referring to the "Unity" in the "Trinity" among "the three **Persons** – the Father, the Son, and the Holy Ghost" (Genesis 1:1-3f *cf.* Matthew 28:19) – Tertullian then goes on to deal with the word "Us" in Genesis 1:26 and 3:22.

He asks: "If the number of the Trinity also offends you – as if it were not connected in the simple unity – I ask you how it is possible for a Being who is merely and absolutely one and singular, to speak in a plural phrase saying 'Let **Us** make man in **Our** image and after **Our** own likeness'? [Genesis 1:26] ... Nay, it was because He [the Father] already had His Son close at His side as a second Person, His Own Word – and a third Person also, the Spirit in the Word – that He purposely adopted the plural phrases 'Let **Us** make' and 'in **Our** image' and 'become as One of **Us**'...in the Unity of the Trinity" [in Genesis 3:22].

Also in chapter 21 of his work *On Modesty*, Tertullian declares: "The very Church herself is, properly and principally, [indwelt by] the Spirit Himself in Whom is the Trinity of the One Divinity – Father, Son and Holy Spirit. [The Spirit] combines that Church, which the Lord has made, to consist in 'three' [*cf.* Matthew 28:19f]. And thus, from that time forward, every number [of persons] who may have combined together into this faith – is accounted a 'Church' by the Author and Consecrator" and Sanctifier of the Church.

Similarly in Matthew 18:16-20, "in the mouth of two or three witnesses every word may be established.... Tell it to the Church.... For where two or three are gathered together in My Name, there am I in the midst of them." So too in Luke 3:16-22; Ephesians 4:3-6; First Corinthians 12:3-6,13; Second Corinthians 13:14; First John 5:6-8; Revelation 1:4-6.

In his important work *Against Marcion*, Tertullian further insists[137] that the Triune God not just initially but rather in particular **eschatologically** "Himself...not only said

[137] Tert: *Against Marcion*, I:29 & III:20.

[to all of mankind as His image(s)] 'Be fruitful and multiply!' – but also 'You shall not commit adultery!' and 'You shall not covet your neighbour's wife!' [It was He] Who threatened **with death** the unchaste, sacrilegious and monstrous abomination both of **adultery** and **unnatural sin** with **man** and **beast** [Genesis 1:26-28 & 2:18-20 *cf.* Leviticus 18:22-24 & 20:13-15]....

"At once there will occur to you the Father's promise in the Psalms [2:7] – 'You are My Son, this day I have begotten You. Ask of Me, and I shall give You the Heathen for Your inheritance, and the uttermost parts of the Earth for Your possession!' You will not be able to put in a claim for some [or other immediate] son of David here being meant – rather than Christ...Who now embraces the whole World in the faith of His Gospel."

Tertullian continues:[138] "Long ago did Isaiah [2:3] declare that 'out of Zion should go forth the Law'.... Says he, 'He [*viz.* Jesus] shall judge among the nations' [Isaiah 2:4] – meaning not those of the Jewish people only, but [also and especially] of the nations which are judged by the new Law of the Gospel and the new Word of the Apostles....

"He had determined and decreed that also the [Gentile] nations were to be enlightened by the Law and the Word of the Gospel.... 'From the rising of the sun, even unto the going down of the same, My Name shall be great among the Gentiles; and in every place, a sacrifice is offered unto My Name – even a pure offering.'" Malachi 1:10-11. "He says of Christ: 'All nations shall serve Him!'" Psalm 72:11.

Tertullian goes on:[139] "Scripture clearly says [*cf.* First Corinthians 15:27] that a transfer of **all things** (*panta*) <u>has</u> been made to the Son. If, however, you should interpret this 'all'" especially to refer to "the whole human race – that is, [to] **all nations** – then the delivery of even **these** to the Son is within the purpose of the Creator. 'I will give You the Heathen for Your inheritance, and the uttermost parts of the Earth for Your possession.'" Psalm 2:8.

For at His ascension, explains Tertullian, Jesus "went away into a far country [Heaven]..., leaving money to His [earthly] servants with which to trade and get **increase**" (Luke 19:12f). That is, Christ was commanded in respect of that universal Kingdom over "all nations which in the Psalm [2:8] the Father had promised to give to Him: 'Ask of Me, and I will give You the Heathen [nations] for Your inheritance!'"

Tertullian also writes[140] that the present earthly Kingdom of Jesus Christ: will **yet** triumph; **throughout** the World; and **before** the end of history. "'For He must reign, **till** He has put all enemies under His feet' [First Corinthians 15:25f].

"We can see at once from this statement, that he [Paul] speaks of a God of vengeance – and therefore of Him Who made the following promise to Christ: 'You must keep on sitting at My right hand until I have made Your enemies Your footstool! The Lord shall send forth the rod of your strength from Zion, and He shall rule...in the midst of your enemies' [Psalm 110:1f & 8:6].... Will not those portions of the Psalm

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[138] *Ib.*, IV:1 & 15.
[139] *Ib.*, IV:26 & 39.
[140] *Ib.*, V:9.

[72:8-19] which apply to Christ alone – be enough to teach us that all the rest too relates to Christ, and not [finally] to Solomon?" They certainly should be.

For "'He shall have dominion,' says the Psalmist, 'from sea to sea and from the river unto the ends of the Earth.' To Christ alone was this given.... 'Yes, all kings shall fall down before Him.' Whom, indeed, shall they all thus worship – except Christ? 'All nations shall serve Him. ' To whom shall all thus do homage, but Christ? ... 'Longer than the sun shall His Name remain.... And in Him shall all nations be blessed.... Blessed also is His glorious Name, and with His glory shall all the Earth be filled!'"

Further: "'His enemies shall lick the dust'.... To use the Apostle's phrase, 'put under His feet' [First Corinthians 15:24-28]...demonstrates both the glory of His Kingdom and the subjection of His enemies – in pursuance of the Creator's Own plans.'"

So Tertullian taught that the Triune God gave mankind the Dominion Charter in Genesis 1:26-28. That Law of God for mankind was decalogical, and predestined even after the fall to become internationalized – through Christ's resurrection and Great Commission. Christ's present reign will continue to expand, till He has put all enemies under His feet – at which time all nations shall serve Him.

Tertullian on the future downfall of the Roman Antichrist

The present progressive subjugation of our planet by the Gospel, and the planet's final conquest by the Kingdom of Christ, is taught elsewhere too by Tertullian. See for example his address *Against Praxeas* (the heretic).

There, Tertullian declares of the Kingdom:[141] "The Son actually has to restore it entire, to the Father.... 'For He must reign **till** He hath put all enemies under His feet' [First Corinthians 15:24f] – following of course the words of the Psalm [110:1], 'You must keep on sitting at My right hand until I have made Your enemies Your footstool!'

"'When however all things **shall** be subdued to Him..., God will be all [things] in all [people].'" First Corinthians 15:27f. "It is the Son [John 3:13] Who also ascends to the heights of Heaven.... [There] He sits at the Father's right hand [Mark 16:19 & Revelation 3:21].... He is seen by Stephen, at his martyrdom by stoning, **still** sitting at the right hand of God [Acts 7:55]. There He will continue to sit – **until** the Father shall make His enemies His footstool." Psalm 110:1.

In his famous work *On the Resurrection of the Flesh*, Tertullian has a most lucid statement about Paul's **then**-still-future Roman Antichrist. States Tertullian:[142] "In the Second Epistle [to the Thessalonians 2:1f], he addressed them with even greater earnestness. 'Now I beseech you...that you be not...troubled...as if...the day of the Lord

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[141] Tert.: *Against Praxeas*, chs. 4 & 30.
[142] Tert.: *Resurr. of Flesh*., ch. 24.

is at hand.... For that day shall not come, unless indeed there **first** come a falling away...and the man of sin be revealed' – that is to say, Antichrist."

Meantime, an **obstacle** prevented Antichrist from **then** being revealed or unveiled. Asks Tertullian: "What obstacle is there but **the Roman State** – the falling away of which, by being scattered into ten kingdoms, **shall introduce Antichrist upon (its own ruins)**?"

Tertullian continues:[143] "In the Revelation of John, again the order of these times is spread out to view.... 'The souls of the martyrs' [Revelation chapters 6 & 20] are taught to wait...beneath the altar – whilst they earnestly pray to be avenged and judged" or rightly vindicated. They are taught to wait, "in order that the World may first drink to the dregs of the plagues that await it from the vials of the angels – and so that the city of fornication may receive from the ten kings its deserved doom [Revelation chapters 16 to 18]....

"The Scriptures indicate the **stages** of the last times, and also concentrate the **harvest** of the Christian hope toward the very end of the World.... Inasmuch, however, as [a resurrection] is proclaimed for the last time, it is proved to be a bodily one.... It is [then] therefore more competent for us to maintain even a spiritual resurrection at the [initial] commencement of a life of faith – we who acknowledge the full completion thereof at the end of the World."

Finally, Tertullian indicates that the Spirit-filled Church will yet achieve the victory – here on Earth. In his work *On the Veiling of Virgins*,[144] that Church Father asks: "What then is the Paraclete's administrative office, but this: the direction of discipline; the revelation of the Scriptures; the re-formation of the intellect; the **advancement** toward **'better things'**?

"Look how creation itself advances, little by little, to fructification. First comes the grain; and from the grain arises the shoot; and from the shoot struggles out the strength. And the whole – which we call a 'tree' – expands. Then follows the swelling of the germ; and from the germ, bursts forth the flower; and from the flower, the fruit opens. That fruit itself, rude for a while and unshapely – little by little, keeping the straight course of its development, is trained to the mellowness of its favour.

"So too righteousness – for the God of righteousness and of creation is the same – was first in a rudimentary state, having a natural fear of God. From that state, it advanced – through the Laws and the Prophets, to infancy. From that stage it passed, through the Gospel, to the fervour of youth. Now, through the Paraclete, it is settling into maturity."

So Tertullian taught that Antichrist would arise upon the ruins of the Roman State. Yet, even after that – Christ's Kingdom would still be advanced toward better things. For finally it would blossom in maturity, after He has subjugated all of His enemies under His feet.

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[143] *Ib.*, ch. 25.
[144] Tert.: *Veil. Virg.*, I.

Origen's optimistic eschatology (despite his imperfections)

The pen of Origen was very prolific. He himself suffered great cruelties – and, after imprisonment, finally died in the persecutions launched by the pagan Roman Emperor Decius.

It is true that Origen, quite the most learned scholar of his time, did adopt certain heterodox views. Yet rightly, he never once downplays the optimistic and christocratic eschatology taught in the Holy Scriptures.

For he rightly grounds his anthropology and his axiology in Adam. Writes Origen:[145] "The highest good...is also called the end of all blessings.... This is pointed out by Moses, before all other philosophers.... He describes the first creation of man in these words: 'And God said, "Let Us make man in Our Own image and after Our likeness!"' And then he adds the words: 'So God created man in His Own image; in the image of God created He him; male and female created He them; and He blessed them.'

"Now the expression, 'In the image of God created He him' – without any mention of the word 'likeness' – conveys no other meaning than...that man received the dignity of God's image at his first creation. But the perfection of His likeness has been reserved for the consummation – namely, so that he might acquire it for himself by the exercise of his own diligence in the imitation of God. The possibility of attaining to perfection was granted him at the beginning, through the dignity of the divine image.... The perfect realization of the divine likeness, was to be reached in the end by the fulfilment of the works."

Origen's eschatology, though not entirely orthodox in all details, flows consistently from the above. He writes:[146] "The end of the World, then, and the final consummation – will take place when every one shall be subjected.... For thus says Holy Scripture: 'The Lord said to My Lord, "You must keep on sitting at My right hand – until I have made Your enemies Your footstool!' [Psalm 110:1f].... 'For Christ must [continue to] reign – until He has put all enemies under His feet.'" First Corinthians 15:27.

"But if even that unreserved declaration of the Apostle does not sufficiently inform us what is meant by 'enemies being placed under His feet' – listen to what he says in the following words: 'For all things must be put under Him.' What, then, is this 'putting under' – by which all things must be made subject to Christ? I am of the opinion that it is this very subjection by which we also wish to be subject to Him – by which the Apostles also were subject, and all the saints who have been followers of Christ."

So Origen believed God's purpose in creating the first man would finally be brought to pass through first the incarnation and then the exaltation of the Second

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[145] Origen: *Princ.*, III:6:1.
[146] *Ib.*, I:6:1.

Adam Jesus Christ. Now, He must keep on reigning, until He has finished putting all enemies under His feet.

The anti-antinomian christocracy of Origen

Origen is also very strong in his rightful promotion[147] of the Law of God. He writes: "First, we refute those who think that the Father of our Lord Jesus Christ is a different God from Him Who gave the answers of the Law of Moses.... The practice, moreover, of the Saviour or His Apostles – frequently shows that they attribute authority to the ancients....

"The Saviour Himself, Who – when He was asked which was the greatest Commandment in the Law – replied, 'You shall love the Lord your God with all your heart and with all your soul and with all your mind! And the second is like unto it – you shall love your neighbour as yourself' [Matthew 22:27-40].... He commends to him whom He was instructing and was leading to enter into the office of a disciple, this Commandment above all others – by which love, undoubtedly, was to be kindled in him towards the God of that Law."

Next, Origen draws attention[148] to the injunction: "'You shall not muzzle the mouth of the ox that treads out corn! Is God here taking care [chiefly] of oxen? Or is He saying it altogether for our sakes? For our sakes, no doubt, this is written – so that he who ploughs, should plough in hope; and so that he who threshes, [does so] in hope of partaking of the fruits.'" First Corinthians 9:9-10 *cf.* Deuteronomy 25:4.

Origen then explains: "By this, He manifestly shows that God Who gave the Law on **our** account...says, 'You shall not muzzle the mouth of the ox that treads out the corn!' God's care was not [merely nor indeed principally] for oxen; but [particularly] for the Apostles who were preaching the Gospel of Christ.

"In other passages also, Paul – embracing the promises of the Law – says, 'Honour your father and your mother, which is the first Commandment with promise; so that it may be well with you and so that your days may be long upon the land, the good land, which the Lord your God will give you!' [Ephesians 6:2-3 *cf.* Exodus 20:12]. By this, he [Paul] undoubtedly makes known that the Law, and the God of the Law and His promises, are pleasing to him."

Origen also insists:[149] "Who would not maintain that the command to 'honour your father and your mother so that it may be well with you' [*cf.* Exodus 20:12 & Ephesians 6:2-3], is sufficient of itself without any spiritual meaning – and [that it is] necessary for those who observe it? Especially when also Paul has confirmed the command – by repeating it in the same words.

"What need is there to speak of the prohibitions – 'You shall not commit adultery!'; 'You shall not steal!'; 'You shall not bear false witness!' – and others of the same kind?" Exodus 20:13-16. Indeed, "with respect to the precepts enjoined in the Gospels

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[147] *Ib.*, II:4:1-2.
[148] *Ib.*, II:4:2.
[149] *Ib.*, IV:1:19.

– no doubt can be entertained that very many of these are to be observed literally. As, *e.g.*, when our Lord says 'but I say unto you, swear not at all!' [Matthew 5:34]; and when He says, 'whosoever looks upon a woman to lust after her has committed adultery with her already in his heart.'" Matthew 5:28.

Writing against the Pagan Celsus, Origen quotes[150] the retributive words of the Mosaic Law: "'An eye for an eye, and a tooth for a tooth.'" Exodus 21:24. Origen also quotes the words of Jesus, "I say to you, whoever shall smite you on one cheek – turn to him the other also." Matthew 5:39.

Origen then rightly observes: "In the Lamentations of Jeremiah [3:27-30], it is said, 'It is good for a man that he bear the yoke in his youth. He sits alone and keeps silence – because he has borne it upon him. He gives his cheek to him who smites him'.... There is no discrepancy, then, between the God of the Gospel and the God of the Law – even when we take literally the precept regarding the blow on the face.

"So, then, we infer that neither 'Jesus nor Moses has taught falsely' [as the Pagan Celsus had untruthfully alleged]. The Father, in sending Jesus, did not 'forget the commands which He had given to Moses' [as Celsus falsely alleged]. He did not: 'change His mind; condemn His own Laws; and send by His messenger counter-instructions!'"

Origen further explains[151] "in the case of the ancient Jews who had a land and a form of government of their own: [absurdly] to take from them the right of making war upon their enemies, of fighting for their country, of putting to death or otherwise punishing adulterers [and] murderers or others who were guilty of similar crimes – would be to subject them to sudden and utter destruction whenever the enemy fell upon them. For their very laws would in that case restrain them, and prevent them from resisting the enemy....

That same Providence which of old gave the Law, and has now given the Gospel of Jesus Christ – not wishing the Jewish State to continue longer – has destroyed their city and their temple. In like manner, it has **extended** the **Christian** religion day by day – so that it is now preached everywhere with boldness; and **that**, in spite of the numerous obstacles which oppose the spread of Christ's teaching in the World.... It was the purpose of God that **the nations** should receive the benefits of Christ's teaching. All the devices of men against Christians have been brought to nought. For the more that kings and rulers and peoples have persecuted them everywhere – the more have they increased in number and grown in strength."

Origen elsewhere explains[152] that the "goodness" of the "**Saviour** is...**among** the **Britons**" too. Earlier, also "the **Druids**" were "**most learned**" – "on account of the **resemblance** between their traditions and those of **the Jews**." For even those Celts "worshipped the one God...previous to the coming of Christ." – and "had long been

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[150] Orig.: *Against Celsus,* VII:25.
[151] *Ib.*, V:26.
[152] Orig.: *Hom. 101 on Lk.*; his *Against Cels.* I:16; and his *Textual Criticism of Ezekiel.*

predisposed to Christianity through the doctrines of the Druids...who had already inculcated the doctrine of **the unity of the Godhead**."

So Origen advocated also an anti-antinomian christocracy. He taught that Christ kept and advanced the Law of Moses – as seen in His enunciation of the Decalogue summarized in the Great Commandment. That Decalogue has extended Christianity day by day. Thus the nations progressively kept on receiving the benefits of that teaching – even as the goodness of the Saviour was already also among the Britons, whose learned Druids predisposed them to Christianity.

Origen's political postmillennialism against Celsus

Origen further informs the Pagan Celsus[153] that we Christians "despise ingratiating ourselves with kings or any other men.... But whilst we do nothing which is contrary to the Law and Word of God, we are not so mad as to stir up against us the wrath of kings and princes – which will bring upon us sufferings and tortures, or even death. For we read: 'Let every soul be subject to the higher powers! For there is no power, but of God. The powers that be, have been ordained by God. Whosoever therefore resists the power, resists the ordinance of God.'" Romans 13:1-2.

Origen then continues his refutation of Celsus by admitting that the following is what Christians "do in obedience to the injunction of the Apostle. 'I exhort, therefore, that first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; for kings, and for all that are in authority!' [First Timothy 2:1-2].... The more any one excels in piety, the more effective help does he render to kings."

Christians, concludes Origen, are constantly "wrestling in prayers to God on behalf of those who are fighting in a righteous cause, and for the king who reigns righteously – so that whatever is opposed to those who act righteously, may be destroyed. And as we by our prayers vanquish all demons who stir up war and lead to the violations of oaths and disturb the peace – we in this way are much more helpful to the kings than those who go into the field to fight for them.... None fight better for the king than we do. We...fight on his behalf, forming a special army – an army of piety – by offering our prayers to God."

Now the paganistic Roman Emperor Septimius Severus had been followed first by his son the cruel Caracalla Caesar (211 to 217 A.D.) and by Emperor Elagabalus (Heliogabalus). The latter's second wife, Severina or Severa, was the first empress of Rome who ever befriended Christians. Indeed, also his successor – Alexander Severus Caesar (222 to 235 A.D.) – was quite well disposed toward Christians.

Yet, as Professor Kurtz explains,[154] Alexander Caesar was murdered by Maximinus Thrax Caesar (A.D. 235 to 238). From the latter's very opposition to his predecessor, he then became at once the enemy of Christians. Clearly perceiving the high importance of the clergy for the continued existence of the Church, his

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[153] *Ib.*, VII:55.
[154] *Op. cit.*, I p. 81.

persecuting edict was directed against them." Nevertheless, Christians like Origen would not be silenced.

So Origen's postmillennialism began to seem feasible when Empress Severina befriended Christians. Meantime, through prayers for all in authority, Christ's Kingdom was being promoted even during its apparent downturns.

Hippolytus on the downfall of the Roman Antichrist

Until around 240 A.D., Irenaeus's disciple Hippolytus – the Overseer in the Church of Portus – wrote many works. He it was who **insisted that the Apostles Simon Zelotes and James, and also Luke, had evangelized in Britain before her A.D. 43f invasion** by the pagan Romans.

Indeed, Hippolytus also reports that **Paul's student Aristobulus**[155] – *cf.* Romans 1:8 & 16:10 – likewise **laboured among the Britons**. In addition, Hippolytus also wrote several commentaries on various books of the Bible. The one on Daniel is particularly interesting.

Declares Hippolytus[156] of Daniel 2:31f – "'Behold, a great image!' How, then, should we not mark the things prophesied of old in Babylon by Daniel, and **now yet in the course of fulfilment** in the World? For the image shown then to Nebuchadnezzar, furnished a type of the whole World.

"In those times, the Babylonians were sovereign over all – and these were the golden head of the image. And then, after them, the Persians held the supremacy for 245 years – and they were represented by the silver. Then the Greeks had the supremacy – beginning with Alexander of Macedon, for 300 years – so that they were the brass.

"After them came the **Romans**, who were the iron legs of the image, for they were strong as iron. Then [we have] the toes of clay and iron – to signify the [national] demo-cracies that were **subsequently to rise** – partitioned among the ten toes of the image in which iron **shall** be mixed with clay."

So then, explains Hippolytus,[157] after the first kingdom of the Assyrians [and also of the Babylonians who absorbed them] which was denoted by the gold – there would be the second kingdom of the [Medo-]Persians, expressed by the silver. Then the third kingdom of the [Greek] Macedonians, signified by the brass. After it, the fourth kingdom of the Romans follows, more powerful than those that went before it. Then, adds Hippolytus,[158] in the days of the B.C. 170f rise of Rome and the B.C. 55f Early Roman Empire – "the Stone that 'smites the image and breaks it in pieces' and that fills the whole Earth [Daniel 2:34-35], is Christ."

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[155] See at nn. 57, 61f & 65f above.
[156] Hippolytus: *Teachings of Daniel* III, on Dan. 2:31f.
[157] *Id*.
[158] Hippol.: *Fragments on Daniel*, II:3.

Hippolytus also states[159] that Daniel (7:19) says "[that] 'the fourth beast [was] dreadful and terrible. It had iron teeth, and claws of brass.' Who then are meant by this but the **Romans**, whose kingdom – the kingdom that **still** stands – is expressed by the iron? 'For,' he [Daniel] says, 'its legs are of iron.'"

Continues Hippolytus:[160] "**After** this, then – what remains, beloved, but the **toes** of the feet of the image [Daniel 2:41-42] in which 'part shall be of iron and part of clay mixed together?' By the 'toes' of the feet he meant, mystically, the ten kings [or kingdoms] that rise out of that [Roman] kingdom.

"As Daniel says [*cf.* 7:8-20f], 'I considered the beast; and look, [there were] ten horns behind [or subsequently] – among which **shall** come up another little horn, springing from **them**'.... None other is meant, than the **Antichrist** is to rise.... These things, then, are **destined to come** to pass.... The toes of the image turn out to be demo-cracies, and the ten horns of the beast are distributed among ten kings" or kingdoms alias countries.

The Eerdmans edition of the *Ante-Nicene Fathers* observes[161] that Hippolytus foresaw the 'demo-cratic' ['pleb-ian'] age into which the feudal era of iron would pass – corroding in the toes by contact with the miry clay of the despised ***plebs***, 'the seed of men' [Daniel 2:43]. No lasting strength was to be imparted to imperialism by the **pleb-iscite** (Daniel 2:43). The Prophet speaks of the unwillingness of the people to cleave to the effete system of empire.

In his famous *Treatise on Christ and Antichrist*, Hippolytus clearly describes[162] the **then**-still-**coming** 'horn' as both **antichrist** and as a **Roman** power. Hippolytus here first quotes Daniel 7:19's reference to "a fourth beast, dreadful and terrible" with "iron teeth and claws of brass." Then Hippolytus himself adds: "Who are these, but the **Romans**?"

Going next to the Book of Revelation, Hippolytus describes **the first Roman beast** as mortally wounded by the ongoing christianization of the slowly-dying Pagan Roman Empire (mentioned in Revelation 13:1-10). Then he goes on to describe especially a **subsequent Roman beast**.

Thus Hippolytus continues:[163] "John then speaks thus: 'And I beheld another beast coming up out of the Earth; and he had two horns like a lamb, but he spake as a dragon. And he exercised all the power of the first beast before him...whose deadly wound was healed..., and his number is six hundred and sixty-six.'" Revelation 13:11-18.

Explains Hippolytus: "The words 'he exercised all the power of the first beast before him...whose deadly wound was healed' – signify that **after the manner of** the law of Augustus by whom **the Empire of Rome** was established – he too will rule and govern, sanctioning everything by it.... For this is the fourth beast, whose head

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[159] *Ib.*, II:1.
[160] *Ib.*, II:2f.
[161] *Op. cit.*, V p. 560 n. 6.
[162] Hippol.: *Christ & Antichrist.*, ch. 25.
[163] *Ib.*, chs. 48 to 50.

was wounded.... With respect to his name ['**666**']...it is manifest to all that those who at present still hold the power, are Latins. If, then, we take the name as the name of a single man – it becomes **Latinus**" (the 'Latin One'). For he rules "**after the manner** of...the Empire **of Rome**."

However, in spite of the then-still-coming Roman Antichrist – declares Hippolytus[164] – Christ's Kingdom would continue to expand, and ultimately triumph. "The words [in Revelation 12] – 'upon her head a crown of twelve stars' – refer to the twelve Apostles by whom the Church was founded. And those [other words] – 'she, being with child, cries out, travailing in birth and pained to be delivered' – mean that **the Church will not cease to bear from her heart the Word** that is persecuted by the unbelievers in the World.

"She brought forth,' he says, 'a Man-child Who is to **rule all the nations**.' By this is meant that the [Word-preaching] Church – always 'bringing forth' Christ the perfect man-child of God Who is declared to be God and man – becomes the **Instructor of all the nations**." Thus Hippolytus.

Summarizing, it has been seen Hippolytus insists that Simon Zelotes, James, Luke and Aristobulus had all evangelized in Britain. The Roman Empire was the fourth beast predicted by Daniel. After its break-up into ten demo-cracies, a subsequent Roman beast would arise. That would be the Antichrist of Revelation 13:11-18. Notwithstanding that Antichrist, however, the Church would continue to witness to the Word – and become the Instructor of **all nations** in the World.

Christianity overcomes the persecutions of Roman Emperor Decius

Of course, this process of the Church's evangelization of the whole World would not occur without repeated and sometimes even serious setbacks. As Professor Kurtz observes,[165] soon after the accession of Decius Caesar, in the year 250 a new persecution broke out that lasted without interruption for ten years.

This was the first general or 'universal' persecution against Christians. It was directed at first against the recognized heads of the churches. But by-and-by, it was extended more widely to all ranks. It exceeded all previous persecutions in its extent; in the deliberateness of its plan; in the rigid determination with which it was conducted; and in the cruelties of its execution.

In the midst of those terrible times, God raised up the famous Church Father Cyprian – the Overseer at Carthage. To Demetrianus, the Roman Proconsul of Africa, Cyprian wrote that it was Paganism and not Christianity (as Demetrianus had alleged) which was the cause of the wars and the famine then plaguing the civilized World.

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[164] *Ib.*, ch. 61.
[165] *Ib.*, p. 82.

Declared Cyprian[166] to Demetrianus: "You are ignorant of divine knowledge, and a stranger to the truth.... The World has now grown old, and does not abide in that strength in which it formerly stood.... This – even were we [Christians] silent, and [even] if we alleged no proofs from the sacred Scriptures and from the divine declarations – the World itself is now announcing. It is bearing witness to its decline, by the testimony of its failing estate."

As the Eerdmans edition of the *Ante-Nicene Fathers*[167] rightly observes, the failing estate of the World was apparent in the days of Decius. For the Paganism of the Early Roman Empire was then making almost its last stand – before its nominal conquest by Christianity.

Thus the Christian Faith would triumph throughout, and thereafter beyond, the failing estate of the paganistic realm of the Early Roman Empire. As Cyprian remarks anent the promise of God Himself:[168] "From the rising of the sun, even unto the going down of the same – My Name shall be glorified among the Gentiles. And in every place, aromas of incense and a pure sacrifice shall be offered to My Name. It shall be great among the nations." Malachi 1:10-11.

"The Church, which before had been barren, would have more children from among the Gentiles than what the Synagogue had had before [Isaiah 54:1-4].... The Gentiles would...believe in Christ.... [For] 'the Lord God had said to Abraham..., "In you, all the tribes of the Earth shall be blessed!"' Genesis 12:1-2.

Continues Cyprian:[169] "This is what the Lord God says to Christ my Lord 'Whose right hand I hold so that the nations may hear Him...: "I will break asunder the strength of kings; I will open gates before Him; and cities shall not be shut!"' [Isaiah 45:1].... 'I come to gather together all nations.... Over them I will send out a standard.... I will send those that are preserved among them, to the nations which are afar off.... And they shall declare My glory to the nations' [Isaiah 66:18f]....

"Paul says [to the Jews]...: 'Look, we [Christians] are turning to the Gentiles! For this is what the Lord said by the Scriptures: "Behold, I have appointed you [*viz.* the Christian Missionaries] a light among the nations – so that you should be for salvation even to the ends of the Earth!"'" Acts 13:46f.

So Christianity overcame all the persecutions of Caesar Decius. As Cyprian insisted, Christ came to gather together all nations. His Messengers would declare them His glory – and thus there would be salvation even to the ends of the Earth.

Cyprian of Carthage's victorious christocratic eschatology

Christ, "after He had risen again" – continues Cyprian[170] – "would receive from His Father all power, and His power would be everlasting.... In Daniel: 'I saw...the

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[166] Cyp.: *Treatise*, V:3.
[167] *ANF*, V p. 560: VI.
[168] *Treat.* 12, First Book, Test. 16 to 21.
[169] *Ib.*, Test. 21 to 22.
[170] *Ib.*, Second Book, Test. 26.

Son of man [at His ascension] coming on the clouds of Heaven...**to** the Ancient of days.... To Him was given a royal power – and all the kings of the Earth...obeyed Him' [Daniel 7:13-14]....

"Also in the 110th Psalm: 'The Lord said unto my Lord, "You must continue sitting at My right hand, until I have made Your enemies the footstool of Your feet'.... Likewise in the Gospel, the Lord after His resurrection says to His disciples: 'All power in Heaven and on Earth has been given to Me. Therefore, go and teach all nations, baptizing them in the Name of the Father and of the Son and of the Holy Spirit – teaching them to observe all things whatsoever I have commanded you!'" Matthew 28:19.

Cyprian goes on:[171] "It is impossible to attain to God the Father, except by His Son Jesus Christ.... 'I am a great King,' says the Lord, 'and My Name is illustrious among the nations' [Malachi 1:14].... 'I [Christ] am established as a King by Him [the Father] upon His holy hill of Zion announcing His Empire' [Psalm 2:6].... 'All the ends of the World shall be reminded, and shall turn to the Lord. And all the countries of the nations shall worship in Your sight. For the Kingdom is the Lord's. And He shall rule over all nations' [Psalm 22:27f]."

Yet this international triumph of the Gospel, holds Cyprian,[172] would be attained by Christian obedience to God's Commandments even in the pagan-powered political realm. As he remarks: "We must trust in God only; and in Him we must glory! ... We must not swear! ... We must not curse! ... The believer ought not to be punished for other offences except for the Name ['**Christ**-ian'] he bears! In the Epistle of Peter...[we read], 'Nor let any of you suffer as a thief or a murderer or as an evildoer or as a minder of other people's business – but as a Christ-ian!'" First Peter 4:15f.

It should be noted that the above-mentioned kinds of wrong-doers all involve the breach or perpetration of infractions precisely of the Second Table of God's Ten Commandments. Such infractions are indeed also crimes. Hence Cyprian continues: "The servant of God ought to be innocent, lest he fall into secular punishment. In the Epistle of Paul to the Romans" (13:3), adds Cyprian, that Apostle asks: "Will you not be afraid of the [political] power? Do that which is good, and you shall receive praise from it!"

Cyprian's anticipation of the christianization of the State, is clearly reflected in his *72nd Epistle*. There, he asks:[173] "Do you think that Christ grants impunity to the impious and profane? ... Can a Christian, can a servant of God – either conceive this in his mind, or believe it in faith, or put it forward in discourse? And what will become of the precepts of the Divine Law which say 'Honour your father and your mother!' [Exodus 20:12]?

"The name of father, which in **man** is commanded to be honoured, cannot with impunity be violated in **God**. What would then become of what Christ Himself lays

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[171] *Ib.*, Test. 27 to 29.
[172] *Ib.*, Third Book, Test. 10 to 13 & 37 to 39.
[173] *Epistles* 72:19.

down in the Gospel – where He says 'he who curses father or mother, let him die the death!' [Matthew 15:4] – if He Who bids that those who curse their parents after the flesh should be punished and slain, were Himself to quicken those who revile their **heavenly** and spiritual Father?"

On the other hand, in his *11th Treatise*, Cyprian declares[174] that "idols are not gods.... The elements are not to be worshipped.... God alone must be worshipped.... God does not easily pardon idolatry... God is so angry against idolatry, that He has even enjoined those to be slain who persuade others to offer to and to serve idols [Deuteronomy 13:6f]....

"**In the Gospel**, He threatens and says...: 'Whosoever shall deny Me before men – him will I also deny before My Father Who is in Heaven' [Matthew 10:32f].... The Lord exhorts and strengthens us to contempt of death, saying: 'Fear not them which kill the body but are not able to kill the soul; but rather fear Him Who is able to kill soul and body in hell!'" Matthew 10:28.

Meantime, the A.D. 251f Cyprian is full of confidence as to the inevitable outcome – the christianization of the World. Says he:[175] "You ought to know...the time of antichrist is drawing near – so that we must all stand prepared for the battle.... The Apostles taught us...the Lord Himself strengthens us, saying: 'There is no man that has left house or land or parents or brethren or sisters or wife or children for the Kingdom of God's sake, who shall not receive **sevenfold more** in this **present** time; and in the World to come life everlasting' [Luke 18:29f]."

Further:[176] "Let us imitate the three children Ananias, Azarias and Misael. They, neither frightened by their youthful age nor broken down by captivity [even though] Judea had been conquered and Jerusalem taken, **overcame** the king by the power of faith [Daniel 3:16-18]. The uncorrupted and unconquered might of the Holy Spirit broke forth from their mouth.

"Let **us** [Christians] be armed...with our whole strength! And let us be prepared for the struggle...with a devoted courage! Let the Camp of God [alias the Christian Church] go forth to the battlefield which has been appointed to us! Let 'the sound ones' be armed! Let 'the lapsed ones' also be armed – so that even they may regain what they have lost! ... Take up the shield of faith – with which **you shall be able to quench** all the fiery darts of the wicked one!" Ephesians chapter 6.

So Cyprian advocated a victorious christocratic eschatology – grounded on passages like Daniel 7:13-14; Psalms 2 & 22 & 110; Malachi 1:14; and Matthew 28:19. The ultimate international triumph of Christianity would be attained by obedience to the Decalogue, and the gradual christianization of the State. The rising antichrist would be resisted, and with the shield of faith Christians would quench all of the devil's fiery darts.

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[174] *Treat.* 11, Exhort. 1-5.
[175] *Ep.* 55:1f.
[176] *Ib.*, 55:5-8.

Christianity's great growth between the Decian and Diocletian persecutions

Sadly, even after the end of the Decian persecution, the respite from persecution did not last long. Especially in Christian Britain, Church Leaders like Alban and Julius and Aaron of Caerleon – together with some ten thousand other dedicated communicant Christians – were martyred by the brutal pagan Romans who then occupied that territory.[177]

As Professor Kurtz indicates,[178] Valerian (A.D. 253 to 260) – after being a favourer of the Christians – began from A.D. 257 (under the influence of his favourite Macrianus) to show himself a determined persecutor. The Christian Pastors were at first banished. Since this did not have the desired effect, they were afterwards punished with death.

At this time too, Cyprian the Overseer of the Church in Carthage – who under Decius Caesar had for a short season fled into the wilderness [*cf.* Revelation chapter 12] – won for himself the martyr's crown. But Valerian's son Gallienus (A.D. 260 to 268), by an edict addressed to the Overseers, abolished the special persecuting statutes issued by his father. However, even Galienus still did not formally recognize Christianity as a *religio licita*. Nevertheless, the Christians after this enjoyed almost forty years of rest.

Yet the most decisive of all persecutions still lay ahead. As regards the last pagan Roman Emperor, Kurtz indicates[179] that (the 284 to 305 A.D.) Diocletian assumed the administration of the East – and allowed from Illyricum to as far as Pontus to be ruled by his son-in-law Galerius. On the other hand, Maximian undertook the government of the West – and handed over the rule of Gaul and Spain and Britain to Constantius Chlorus.

According to the martyrologies, there was a whole legion called the *Legio Thebaica* that consisted solely of Christian soldiers. But the paganistic Maximian left this legion, consisting of 6600 men, to be cut down together with its commander St. Maurice – in the pass of Agaunum now called St. Moritz (in the Swiss Canton of Valais).

Diocletian, as the supreme earthly ruler, was a zealous adherent of Paganism. In A.D. 298, he issued the decree that all soldiers should take part in the paganistic sacrificial rites – and thus pressured all Christian soldiers to withdraw from the army.

The last of these persecutions opened in A.D. 303, when the Emperor commanded that the stately church of Nicomedia be destroyed. Soon after, an edict was issued forbidding all Christian assemblies. That edict ordered the destruction of churches, the burning of the Sacred Scriptures, and the depriving of Christians of their offices and their civil rights.

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[177] Gildas: *Ruin of Britain*, 10; Williams's *[British] Church*, pp. 631-38.
[178] *Op. cit.*, pp. 82f.
[179] *Ib.*, pp. 83f.

A persecution then began to rage throughout the whole Roman Empire. Gaul, Spain and **Britain alone escaped entirely** – owing to the favour of Constantine's father Constantius Chlorus who governed those regions. All conceivable tortures and modes of death were practised by Diocletian Caesar, and new and more horrible devices were invented from day to day.

Even after Diocletian abdicated, the persecution did not abate. For Galerius then elevated to rulership Severus and Maximinus Daza – the most furious enemies of Christianity that could be found. The storm of persecution was again revived. Galerius in A.D. 308 had all victuals in the markets sprinkled with wine or water that had been dedicated to idols. Yet, seized with a terrible illness, his living body began to mortify. Finally, he admitted the uselessness of all his efforts to root out Christianity.

Shortly before his death, in common with his colleague, he (in 311 A.D.) issued a formal *Edict of Toleration*. This permitted all Christians the free exercise of their religion – and claimed in return their intercession for the Emperor and his Roman Empire.

That terminated the persecution. It had been a period of unexampled cruelty, lasting without intermission for eight years. Many noble proofs were given of Christian heroism – and of the joyousness which that martyrdom inspired. Thus Professor Kurtz.[180]

So Christianity greatly grew between the Decian and Diocletian persecutions. Especially soldiers in the Roman Army more and more embraced the true religion. Britain, Gaul and Spain alone – under the Governorship of Constantius Chlorus the father of Constantine – escaped the last persecution, which was terminated by the *Edict of Toleration* in 311 A.D.

Victorinus's victorious views concerning the Apocalypse

The testimony (in 300 A.D.) of Victorinus, the Austrian Overseer of the Church in Pettau, is very significant. For it greatly characterizes the attitude of godly Christians during those terrible times.

In his *Commentary on the Apocalypse*, Victorinus describes[181] how, after the first seal of the book of church history was opened [Revelation 6:1-2], the Apostle John "says he saw a white horse, and a crowned Horseman with a bow.... For after the Lord had ascended into Heaven and then started opening up all things, He then sent forth the Holy Spirit. The words of the Spirit were sent forth by Preachers, like arrows shot into human hearts, so that they might **overcome** unbelief.... For the Lord says: 'This Gospel shall be preached throughout the whole World – for a testimony to all nations.'"

As regards Revelation 11:7 & 12:3 – about the beast which ascends from the abyss – Victorinus claims it represents "a numerous people...in the kingdom...of the **Romans**.... He was in the kingdom of the Romans and...among the Caesars.

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[180] *Id*.
[181] Victorin.: *Commentary on Revelation*, 6:1-2.

"The Apostle Paul also bears witness. For he says to the Thessalonians: 'Let him who now restrains, keep on restraining – until he be taken out of the way'.... So that they might know that he who was then the prince would come – he added: 'he already lusts after the secret of mischief' [Second Thessalonians 2:10].... His seven heads were the seven kings of the **Romans** – of whom also is **antichrist**."

Yet even that Roman antichrist would fall, and the Gospel would triumph! Explains Victorinus:[182] "Those years in which Satan is bound, are in the first advent of Christ – even to the end of the age.... They are called a 'thousand' according to that mode of speaking in which a part is signified by the whole – just as in the passage 'the word which He commanded was and is for a thousand generations' [Psalm 105:8]....

"He says that Satan is exposed and restrained – so that he may not seduce the nations. **The nations** signify the Church – seeing that it is **from them** that the **Church** is being formed....

"There are two resurrections. But the first resurrection is – now – that of the soul, and by faith. It does not allow men to pass over to the second death . Of this resurrection, the Apostle says: 'If you have risen with Christ, seek those things which are above!'" Colossians 3:1f.

So Victorinus saw Christ as the victorious Horseman in Revelation 6:2, constantly going forth conquering and to conquer – by shooting forth his arrows alias His Spirit-filled Preachers from His bow into all the World. Thus also the Roman Antichrist would fall – and the nations of the World would be won for Christ.

The Christocratic Victory of the British Christian Emperor Constantine

At length, the paganistic Roman Leader Galerius was reduced to his death-bed. After years of viciously persecuting Christianity, he now – also in the name of his colleagues Constantine and Licinius – issued his famous *Edict of Toleration* in 311 A.D.

Admitted Galerius:[183] "We have hitherto endeavoured to restore a universal conformity to the ancient institutions and public order of the Romans.... It had been our aim to bring back to a right disposition – [in respect of] the Christians who had abandoned the religion of their fathers....

"Many still persist in their [Christian] opinions.... They now show no due reverence to the [pagan] gods.... We therefore, with our wonted clemency in extending pardon to all, are pleased to grant indulgence to these men – allowing Christians the right to exist again and to set up their places of worship, provided always that they do not offend against public order....

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[182] *Ib.*, 20:1-5.
[183] In Bettenson's *op. cit.*, pp. 21f.

"In return for this indulgence of ours, it will be the duty of Christians to pray to God for our recovery; for the public weal; and for their own. Thus the State is to be preserved from danger on every side, so that they themselves too may dwell safely in their homes."

As Professor Kurtz observes,[184] after the death of Galerius his place was taken by the Dacian Licinius. He shared the government of the East with Maximinus. Constantius Chlorus had died in A.D. 306, and Galerius had given to Severus the Empire of the West. But in York in Britain, the army proclaimed Constantine (son of Constantius) as Emperor. Thus established in Britain, he then entrenched himself also in Gaul and Spain.

Then also Maxentius (son of the abdicated emperor Maxentius) claimed the Western Empire. The pagan fanaticism of Maximinus prevailed against the *Toleration Edict* of Galerian. He heartily supported the attempted expulsion of Christians. He forbade the building of churches; punished many with fines and dishonour; and in some cases inflicted bodily pains and even death.

Constantine, who had inherited from his father his toleration of Christians, secured the most perfect quiet for the professors of the Christian faith in his realm. In A.D. 312, Constantine led his army over the Alps. Maxentius opposed him with an army draw up in three divisions. But Constantine pressed on victoriously, and shattered his opponent's forces before the city gates of Rome.

Constantine was then sole ruler over the entire Western Empire. At Milan, he had a conference with Licinius. They jointly issued an edict in 313 A.D., which gave toleration to all forms of worship throughout the Empire. This expressly permitted conversion to Christianity, and ordered the restoration to the Christians of all the churches that had been taken from them.

Licinius, however, thereupon started manifesting zeal as a persecutor – identifying himself with the pagan party. Constantine, however, supported the Christians. In 323 A.D., a war broke out between these two, like a struggle for life and death between Paganism and Christianity. Licinius was overthrown, and Constantine became sole earthly master of the whole Empire. Thus Professor Kurtz.[185]

Pagan Rome had now received its deadly wound – with this elevation of Rome's first British Caesar (and indeed also its first Christian Emperor). Constantine of Britain – where Christianity had long been very strong – would soon help de-paganize even the Roman Empire itself. This he would do, **by enacting Christian Laws**. This would then lead, after Constantine, to a Christocracy. There, Christ's Law would finally be acknowledged.

Summary of the triumph of christocracy even before Constantine

Summarizing, in this chapter we have seen that God's Law – given to man since the beginning of history – continued to operate also after Calvary. Christians obeyed it,

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[184] *Op. cit.*, p. 85.
[185] *Ib.*, pp. 84f.

despite all pressures – even right throughout the 'Great Tribulation' of A.D. 63 to 70. Christocracy was thus still advocated in the Apostles' *Didache*. Indeed, God's Law was upheld also both in the *Epistle of Barnabas* and in the writings of Clement of Rome.

Christocracy is the politico-legal system championed also in the *Shepherd of Hermas*. The Law of the Lord was upheld also by Ignatius of Antioch. Remarkably, Christ's Church survived all early post-apostolic persecutions. Also the martyr Polycarp kept the Law of God. So too did the Apologist Justin Martyr in his *Dialogue with Trypho*, his *First Apology*, and his *Second Apology* – even as Christianity was apparently gaining strength especially in Britain.

Christians still kept God's Law, even when persecuted under Marcus Aurelius Caesar. This is seen in the decalogical dedication of Theophilus of Antioch; and also in the christonomy of Athenagoras of Athens. Very significantly, also Irenaeus in Brythonic Gaul condemned the heresy of antinomianism – and further advocated an eschatological optimism.

Clement of Alexandria maintained a strongly theocratic christonomy. The optimistic eschatology of Clement and Caius, is clear. The theocratic Tertullian was outspokenly anti-antinomian and christonomic. Indeed, as a christocratic postmillennialist, he further predicted the later overthrowal also of the Roman antichrist.

Just like Tertullian, also Origen and Hippolytus recorded that Christianity was already strong in Britain. Origen upheld an anti-antinomian christocracy and an optimistic eschatology – and pursued a political postmillennialism against Celsus. Hippolytus predicted the triumph of Christianity and the downfall of the Roman Antichrist. Cyprian maintained a victorious christocratic eschatology – and almost lived long enough to see Christianity overcome all the persecutions of Decius Caesar.

Indeed, the Christian Church grew greatly between the Decian and Diocletian persecutions. This is reflected in the victorious views of Victorinus on the Apocalypse – and, shortly thereafter, also in the christocratic triumph of the British Emperor Constantine.

Truly, Jesus Himself had made an accurate prediction in Matthew 16:18. Because it is He Himself Who kept on constructing His Early Church – the very gates of hell could not prevail to withstand its expansive edification.

CH. 4. CHRISTOCRACY AFTER CONSTANTINE: CHRIST'S LAW RECOGNIZED!

With the take-over of the Pagan Roman Empire by the Christian Briton and new Western Emperor Constantine in 313 A.D., a new era dawned. Yet two centuries later, the Eastern Emperor Justinian would make alarming concessions to the Bishop of Rome. That would thereafter soon result in the papacy.

Earlier with Constantine, however – at least for the next two centuries – things did, in general, vastly improve (in comparison to the previous three hundred years of legal history). This was indeed the case throughout the Western Roman Empire – yet pre-eminently (and more permanently) so too in Constantine's own homeland of Britain.

Constantine's establishment of a Christian Commonwealth

Hear the actual words of Constantine's *Edict of Milan*. This granted religious toleration throughout the Roman Empire to Christianity (as well as to other religions previously prohibited). It proclaimed:[1]

"When we, (Emperors) Constantine and Licinius, met at Milan in conference, concerning the welfare and security of the realm, we decided that of the things that are of profit to all mankind – the worship of God ought rightly to be our first and chiefest care.... It was right that Christians and all others should have freedom to follow the kind of religion they favoured – so that the God Who dwells in Heaven might be propitious to us and to all under our rule....

"Notwithstanding any provisions concerning Christians in our former instructions, all who choose that religion are to be permitted to continue therein without any let or hindrance – and are not to be in any way troubled or molested.... At the same time, all others are to be allowed the free and unrestricted practice of their religions. For it accords with the good order of the realm and the peacefulness of our times, that each should have freedom to worship God after his own choice."

Thus did Constantine in A.D. 313 grant Christianity (and certain other religions) toleration as a *religio licita*. It is to be noted, however, that this *Edict of Milan* did <u>not</u> grant freedom to any – to worship <u>false</u> gods. To the contrary, it instead granted "that each should have freedom to worship <u>God</u> after his own choice." Indeed, Constantine later turned against Paganism in public life – and then suppressed soothsayers (or spellbinders alias various false-prophets) and witchdoctors, in A.D. 319.

That first Christian Roman Emperor Constantine then declared:[2] "No soothsayer may approach his neighbour's threshold, even for any other purpose. Friendship with men of this profession, must be put away – even if it be of long standing. A soothsayer who approaches his neighbour's house, is to be burnt. Anyone inviting him, whether by persuasion or by money reward, is to be deprived of his goods and

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[1] Bettenson: *op. cit.*, p. 22.
[2] *Cod. Theod.*, IX:16:1.

banished to an island.... Anyone who brings an accusation of this offence is, in our judgment, no informer. On the contrary, he merits a reward." *Cf.* Deuteronomy chapter 13.

Perhaps to some extent also at the request of ecclesiastical authorities, from 321 onward Constantine enacted a series of measures which greatly aided Christians. He ordered all state officials and town people and tradesmen to rest on Sundays from all professional work. He recognized the liberty of ex-slaves manumitted before Christian congregations, and encouraged this to be done on Sundays. Indeed, he and his successors increasingly enacted legislation which promoted Christianity across a whole range of issues in public and political life.

Thus, he favoured Christian congregations with state aid. He forbad Jews to stone such of their co-religionists as sought to embrace Christianity.

He constructed and repaired Christian edifices in important and historic urban centres – such as Jerusalem and Bethlehem. Also, he prohibited all public religious exercises and practices deemed *contra bonos mores* and morally repugnant in an then-increasingly christianizing society.[3]

The Church was not slow to give its own official approval in endorsing the Emperor's new political actions. Famous church historians – such as Eusebius and Sozomen (*cf.* Schaff)[4] – declare that "Constantine had enjoined upon all the subjects of the Roman Empire to observe the Lord's day as a day of rest." And, as regards members of the Imperial Army, the Emperor "freely granted to those among them who were partakers of the divine faith, leisure for attendance on the services of the Church of God – in order that they might be able, without impediment, to perform their religious worship."

Indeed, after the state decrees of Constantine in connection with the official observance of Sunday as a day of rest – the Church too further exercised its moral right to enforce an obligatory religious sabbath observance on the Lord's day in respect of its own members, more and more. This it did even as the increasingly christianizing State introduced more and more legislation protective or promotive of Christianity.

Henceforth, and with a fair degree of varying (and usually increasing) harmony – at least till the emergence of the papacy (around 600 A.D.) and the first clashes between Church and State thereafter – the Christian Church and the Christian State would, for the first time ever, work hand in glove (each in its own sphere). Thus, both Church and State would promote Christianity throughout the Roman Empire – from the fourth right down till the seventh centuries.

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[3] See F.N. Lee: *The Covenantal Sabbath*, Lord's Day Observance Society, London, 1972, p. 246.
[4] Euseb. *Life of Constantine*, IV:18-20; Sozomen's *Church History*, I:8; Schaff's *op. cit.*, III para. 75.

Constantine's Tutor Lactantius on the predestinated doom of Pagan Rome

Rev. Dr. A. Cleveland Coxe makes a very important observation about that instructor of both Constantine and the latter's son. That he does, in Coxe's *Introductory Notice* to the *Divine Institutes* of the famous Church Father Lactantius.

Coxe explains[5] that first the conversion and then the elevation of Constantine introduced the most marvellous revolution in human affairs ever known in the history of the World. That revolution was in practical thought, as well as in the laws of mankind.

While Lactantius was tutor to the son of the first Christian Emperor, Constantine himself read the *Apologies* addressed to Antoninus Caesar by Justin Martyr. At first, Constantine was disposed to accept the plea for Christians – though only so far as Justin had urged it.

So Lactantius (moved perhaps by Hosius or Eusebius) then undertook to give the Emperor further instruction. For Lactantius aimed to win the Emperor and his court to a deeper and purer conviction of divine truth. He succeeded.

Lactantius himself declares:[6] "Since all the works of God were completed in six days, the World itself must continue in its present state through six ages – that is, six thousand years. For the great Day of God is calibrated by a period of a thousand years. This is shown by the prophet who says: 'In Your sight, O Lord, a thousand years are as one day' [Psalm 90:4 *cf.* Second Peter 3:8].... As God laboured during those six days in creating such great works, so His religion and truth must labour during these six thousand years.... Wickedness prevails" – until near the end of that period.

He continues: "Since God, having finished His works, rested the seventh day and blessed it – at the end of the six thousandth year all wickedness must be abolished from the Earth, and righteousness reign [[Genesis 1:3 to 2:3 and Revelation 20:1-6].... **This** day of ours which is bounded by the rising and the setting of the sun – is a representation of **that** Great Day to which the circuit of a thousand years affixes its limits....

"Now, on this Great Sixth Day [of the history of the World] – the true mankind is being formed by the Word of God.... That is, a holy people is being fashioned for righteousness – by the doctrines and precepts of God.... During this earthly age, [slowly and surely] there is being formed a perfect mankind [*viz.* the Church] – so that, being quickened by God, it may bear rule in this sameWorld throughout a thousand years" thereafter.

Lactantius goes on: "The ***Roman*** name – by which the World is **now** ruled – **will be <u>taken away</u>** from the Earth [*cf.* Second Thessalonians 2:7].... It is related that the Egyptians, and Persians, and Greeks, and Assyrians – **had** the government of the

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[5] *ANF*, Eerdmans ed., VII pp. 3f.
[6] Lactantius: *Divine Institutes*, VII:14f.

World [*cf.* Daniel chapters 2 & 7].... After the destruction of them all, the chief power came to the Romans also. And inasmuch as they excel all other kingdoms in magnitude – with so much greater an overthrow will they fall, because those buildings which are higher than others have more weight for a downfall....

"**Rome is doomed to perish**; and **that**, indeed, by the judgment of God – because it held His Name in hatred.... Being the enemy of righteousness, it [Rome] would have destroyed [Christians as] the people who kept the truth.... The Roman Empire and name [however,] will be taken away from the World....

"I will show how it will come to pass. First, the Kingdom [of Christ] will be **enlarged**.... Then the chief power dispersed among many and **divided** – will be **diminished**. Then, civil **discords** will be sown perpetually. Nor will there be any rest from deadly wars until **ten kings** arise at the same time. They will divide the [Roman] World – not to govern, but to **consume** it." Daniel 2:40-43 & 7:7-8,19-20 *cf.* Revelation 17:3-18.

The above predictions of the (300f A.D.) Church Father Lactantius, are truly remarkable. For, during the next couple of centuries, they would all be fulfilled – as the Roman Empire collapsed.

Eusebius on the historical importance of Emperor Constantine

Around 320f A.D., the testimony of the great Church Historian Eusebius assumed great importance. He had been imprisoned for his faith during the Diocletian persecution. However, he survived to become the Overseer of the Christian Church in Caesarea – and to complete his famous *Church History*.

In his various works,[7] Eusebius writes: that "the Apostles passed beyond the Ocean to the islands called the Britannic Isles"; that "Peter had been in Britain"; and that also the Christian Emperor Constantine began his reign among "the Britons." In his celebrated *Church History*, Eusebius states that "Constantine was 'born' an Emperor – a pious son of a most pious and prudent father.... Maxentius was defeated at Rome by Constantine in a remarkable manner.... Let thanks for all things be given to God the Omnipotent Ruler and King of the Universe – and the greatest thanks to Jesus Christ the Saviour and Redeemer of our souls, through Whom we pray that peace firm and undisturbed may always be preserved for us....

"Sing unto the Lord a new song, for He has done marvellous things! His right hand and His holy arm has saved Him. The Lord has made known His salvation. He has revealed His righteousness in the presence of the nations." Psalm 98:1-2.

At the Briton Constantine's triumph over Roman Paganism, explains Eusebius,[8] "the whole race of God's enemies was destroyed.... We who placed our hopes in the Christ of God, had unspeakable gladness.... A certain inspired joy bloomed for all of us.... We saw every place which shortly before had been desolated by the impieties of

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[7] See ch. 10 nn. 189-91; Eusebius's *Life of Constantine* I:8 & 25, II:28 and IV:50; and his *Ch. Hist.*, IX:9:1 & X:1:1-3.
[8] *Ib.*, X:1:7 & 2:1 & 3:1.

the tyrants, reviving as if from a long and death-fraught pestilence – and temples again rising from their foundations to an immense height, and receiving a splendour far greater than that of the old ones which had been destroyed....

"After this was seen the sight which had been desired, and prayed for, by us all. The feasts of dedication in the cities, and consecrations of the newly-built houses of prayer, took place. Overseers assembled. Foreigners came together from abroad. Mutual love was exhibited between people and people" – between one nation and another.

Eusebius exults:[9] "Great is the Lord, and greatly to be praised in the City of our God [Psalm 48:1].... Great is He Who changes times and seasons, Who exalts and debases kings [Daniel 2:21]; Who raises up the poor from the soil, and lifts up the needy from the dunghill [First Samuel 2:7 *cf.* Psalm 113:7]. He has put down princes from their thrones, and has exalted them of low degree from the Earth. The hungry He has filled with good things, and the arms of the proud He has broken [Luke 1:52f]....

"To Him, let us sing the new song [*cf.* Psalm 96:1]! Let us supply it, to Him Who alone does great wonders; for His mercy endures for ever [Psalm 136:4] – to Him Who smote great kings, and slew famous kings; for His mercy endures for ever [Psalm 136:17]! For the Lord remembered us in our low estate, and delivered us from our adversaries." Psalm 136:23-24.

In his famous work *The Life of Constantine,*[10] Eusebius adds that Constantine alone of all sovereigns had openly professed the Christian faith. He stood "alone and pre-eminent among the Roman Emperors as a worshipper of God; alone, as the bold proclaimer to all men of the doctrine of Christ; alone, having rendered honour to His Church as none before him had ever done; alone, having abolished utterly the error of polytheism and [having] discountenanced idolatry in every form. So, alone among them both during life and after death – he was accounted worthy of such honours."

In the *Oration of the Emperor Constantine,*[11] which he directed to the Holy Assembly, the Emperor himself finally remarked: "When men commend my services, which owe their origin to the inspiration of Heaven, they clearly establish the truth that God is the cause of the exploits I have performed.... While it is natural for man occasionally to err – God is not the cause of human error.

"Hence, it behooves all pious persons to render thanks to the Saviour of all – first, for our own individual security; and then, for the happy posture of public affairs. At the same time, one should entreat the favour of Christ with holy prayers and constant supplications – that He would continue our present blessings to us. For He is the invincible Ally and Protector of the righteous."

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[9] *Ib.*, X:4:8f.
[10] *Op. cit.* IV:74-75.
[11] Constantine: *Oration*, ch. 26.

Eusebius's *Oration* in praise of the Christian Emperor Constantine

In 335, Eusebius – in the new imperial 'City of Constantine' or Constantinopolis (alias Constantino-ple or 'I-stan-bul') – delivered a very important *Oration in Praise of the Emperor Constantine*. He did so, on the thirtieth anniversary of his reign.

There, he stated:[12] "I come not forward prepared with a fictitious narrative.... Our Emperor is gifted with that sacred wisdom which has immediate reference to God – as well as with the knowledge which concerns the interests of men. Let those who are competent to such a task, describe his secular acquirements – great and transcendent as they are."

Eusebius himself, however, would rather extol Constantine's spiritual attainments – as a Christian man of God. For, as to **the Cause** of his own achievements, the victorious Emperor Constantine gave all the glory only to the Divine Almighty Sovereign.

Accordingly, also Eusebius went on:[13] "Our own victorious Emperor himself renders praises to this Almighty Sovereign.... To Him alone we owe that imperial power under which we live. The pious caesars [alias Constantine's sons], instructed by their father's wisdom, acknowledge Him as the Source of every blessing. The soldiery, the entire body of the people both in the country and in the cities of the Empire – together with the Governors of the several Provinces assembling together in accordance with the precept of their great Saviour and Teacher – worship Him....

"This only-begotten Word of God reigns – from eternity without a beginning, unto infinite ages without end – as the Partner of His Father. Our Emperor, who derives the source of imperial authority from above, and is strong in the power of his sacred title, has controlled the Empire...for a long period of years."

Eusebius adds:[14] "Gladly does God accept...the Emperor's holy services to Himself.... He permits him to celebrate each successive [annual] festival during great and general prosperity throughout the Empire....

"God renders his sway over the nations of the World, still fresh and flourishing – as though it were even now springing up in its earliest vigour.... Constantine is indeed an Emperor who prayerfully implores and calls upon the favour of his heavenly Father, night and day – and whose ardent desires are fixed upon His celestial Kingdom.... He clothes his soul with the knowledge of God."

In return, continued Eusebius regarding Constantine,[15] "God Himself – as an earnest of future reward – assigns to him now, as it were, tricennial crowns composed of prosperous periods.... Such were the instructions which Constantine gave to his subjects generally. But he so instructed especially his soldiers, whom he admonished to repose their confidence not in their weapons or armour or bodily strength – but to acknowledge the Supreme God as the Giver of every good, and of victory itself.

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[12] Euseb.: *Oration for Constantine*, Prologue, 1 & 3.
[13] *Ib.*, I:3 & II:1.
[14] *Ib.*, III:1,3 & V:5-6.
[15] *Ib.*, VI:1 & IX:9-12.

"Thus did the Emperor himself, strange and incredible as the fact may seem, become the instructor of his army in their religious exercises. He taught them to offer pious prayers in accordance with the divine ordinances – uplifting their hands towards Heaven, and raising their mental vision higher still to the King of Heaven upon Whom they should call as the Author of victory....

"The hosts of His enemies have disappeared...; the tongues of the profane and blasphemous have been put to silence.... Our Emperor, discharging as it were a sacred debt, has performed the crowning good of all by erecting trimphant memorials of its value in all parts of the World – raising temples and churches on a scale of royal costliness, and commanding all to unite in constructing the sacred houses of prayer."

Eusebius went on:[16] "Hence the universal change for the better – which leads men to spurn their lifeless idols; to trample under foot the lawless rites of their demon deities; and laugh to scorn the time-honoured follies of their fathers. Hence too the establishment in every place of those schools of sacred learning wherein men are taught the precepts of saving truth....

"At the same moment, the nations of the East and the West are instructed in His precepts. The people of the northern and southern regions unite with one accord under the influence of the same **principles and law** – in the pursuit of a godly life; in praising the one Supreme God; in acknowledging His only-begotten Son their Saviour as the Source of every blessing....

"Meanwhile God Himself, the Great Sovereign, extends the right hand of His power from above for his protection – giving Constantine victory over every foe, and establishing his Empire by a lengthened period of years.... He will bestow upon him yet higher blessings, and confirm the truth of His own promises in every deed.... On these we may not at present dwell; but must await the change to a better World. For it is not given to mortal eyes or ears of flesh, fully to apprehend the things of God."

Eusebius: How God was advancing Christ's Kingdom through Constantine

Eusebius then continues:[17] "The ancient oracles and predictions of the Prophets were fulfilled – more numerous than we can at present cite – and especially those which speak as follows concerning the saving Word. 'He shall have dominion from Sea to Sea, and from the River to the ends of the Earth.... In His days shall righteousness spring up; and abundance of peace' [Psalm 72:7-8]. 'And they shall beat their swords into plough-shares, and their spears into sickles; and nations shall not take up sword against nation, neither shall they learn to war any more' [Isaiah 2:4]....

"Our only Saviour...after His victory over death...spoke the Word to His followers, and fulfilled it by the event – saying to them: 'you must go and make all nations disciples, in My Name' [Matthew 28:19]. He it was Who gave the distinct assurance

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[16] *Ib.,* X:2,6,7.
[17] *Ib.,* XVI:7-12.

that His Gospel must be preached in all the World – for a testimony to all nations." Matthew 24:14.

Asks Eusebius regarding Jesus Christ: "Who but He, with invisible and secret power, has suppressed and utterly abolished those bloody sacrifices which were offered with fire and smoke – as well as the cruel and senseless immolation of human victims – a fact which is attested by the heathen historians themselves? For it was not till after the publication of the Saviour's divine doctrine – about the time of Hadrian's reign – that the practice of human sacrifice was universally abandoned [*viz*. in the Roman Empire]. Such, and so manifest, are the proofs of our Saviour's power and energy after death.... He is, even now, carrying on...the works of a Living Agent."

The fourth-century Eusebius then claimed[18] that "the time has come for us to consider the works of our Saviour in our own age – and to contemplate the living operations of the living God. For how shall we describe these mighty works – save as living proofs of the power of a Living Agent Who truly enjoys the life of God?"

Indeed, "by the single fiat of His will, His enemies were utterly destroyed – they who a little while before had been flourishing in great prosperity, exalted by their fellow men as worthy of divine honour.... As soon, however, as they dared openly to resist His will and to set their gods in array against Him Whom we adore – immediately, according to the will and power of that God against Whom their arms were raised, they all received the judgment due for their audacious deeds. Constrained to yield and flee before His power, together they acknowledged His divine nature – and hastened to reverse the measures which they had before essayed."

Continues Eusebius:[19] "What monarch has prolonged his government through so vast a series of ages? Who else has power to make war after death; to triumph over every enemy; to subjugate each barbarous and civilized nation and city; and to subdue his adversaries with an invisible and secret hand?

"Lastly, and chief of all – what slanderous lips shall dare to question that universal peace to which we have already referred, established by His power throughout the [Roman] World? For this, the mutual concord and harmony of all nations coincided in point of time with the extension of our Saviour's doctrine and preaching in all the World.... Who else has commanded the nations inhabiting the Continents (and Islands) of this mighty globe – to assemble weekly on the Lord's day, and to observe it as a festival?"

Eusebius concludes:[20] "These words of ours, however, [gracious] Sovereign [Constantine], may well appear superfluous in your ears, convinced as you are by frequent and personal experience of our Saviour's Deity – yourself also, in actions still more than words, a herald of the truth to all mankind. You yourself, it may be, will vouchsafe – at a time of leisure – to relate to us the abundant manifestations which your Saviour has accorded you of His presence.... But of those principles which He has instilled into your own mind – and which are fraught with general interest and

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[18] *Ib.*, XVII:1-3.
[19] *Ib.*, XVII:11-14.
[20] *Ib.*, ch. XVIII.

benefit to the human race – you will yourself relate in worthy terms the visible protection which your Divine Shield and Guardian has extended in the hour of Battle; the ruin of your open and secret foes; and His ready aid in time of peril.

"To Him you will ascribe...your administration of civil affairs; your military arrangement and correction of abuses in all departments; your ordinances respecting public right; and, lastly, your legislation for the common benefit of all.... You will ascribe victory and triumph to the heavenly Word of God – thus proclaiming to all nations, with clear and unmistakable voice, in deed and word, your own devout and pious confession of His Name!"

Post-Constantinian advances of Christianity *via* Athanasius and Cyril

As regards Pre-Constantinian times, we have above abundantly demonstrated that formerly – even when Christianity was **politically** powerless – it still tried to promote a christocratic eschatology. In tracing the Post-Constantinian developments, however, we can now proceed much faster – and in much less detail. For few will deny that, once Constantine's Roman State had itself nominally been christianized – that State itself started to work with the Church, each in its own different way as so ordained by God, in further christianizing the Roman Empire.

This the nominally-christianized Roman State then did – in spite of perilous attacks especially from the northern barbarians, and in spite of the rising danger of the precursors of the then-still-future tyranny of the later Romish Antichrist. Both of these dangers still lay ahead. Yet both would also grow, peak, shrink and even pass away – long before the not-yet-completed christianization of the entire Earth.

Speaking of the Jews, the famous Athanasius (when Chief Overseer of the Church in Alexandria) asked around 340 A.D.:[21] "Why are they so irreligious and so perverse to see what has happened – still denying Christ Who has brought it all to pass? Or why, when they see even Heathen deserting their idols and placing their hope through Christ in the God of Israel – do they deny Christ Who was born of the root of Jesse after the flesh, and henceforth is King?" Why indeed!

For "even the whole Earth is being filled with the knowledge of God. Also the Heathen, leaving their own godlessness, are now taking refuge with the God of Abraham through the Word [*via* our Lord Jesus Christ]. It must be plain, even to those who are exceedingly obstinate, that the Christ has then come.... He has illumined absolutely all with His light – and given them the true and divine teaching concerning His Father."

Around 350 A.D., the famous Catechist Cyril – Overseer of the Church in Jerusalem – took a strongly christocratic line. Thus he urges:[22] "While honouring our heavenly Father, let us honour [also] 'the fathers of our flesh!' [Hebrews 12:9].... The Lord Himself has evidently appointed this, in the Law and the Prophets – saying,

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[21] Athanasius: *On the Incarnation of God's Word*, 41.
[22] Cyril of Jerususalem: *Catechetical Lectures*, 7:15f.

'Honour your father and your mother so that it may be well with you and so that your days shall be long in the land!'" Deuteronomy 5:16.

"Let this Commandment," Cyril insists, "especially be observed by those here present who have fathers and mothers! 'Children, obey your parents in all things! For this is well-pleasing to the Lord' [Colossians 3:20]....

"When our fathers on Earth are of a contrary mind to our Father in Heaven, then we must obey Christ's Word! But when they put no obstacle to godliness in our way – if we are ever carried away by ingratitude and, forgetting their benefits to us, hold them in contempt – then the oracle will have place which says 'He who curses father or mother, let him die the death!'" Exodus 21:17; Leviticus 20:9; Matthew 14:4. "The first virtue of godliness in Christians, is to honour their parents – to requite the troubles of those who begot them."

However, (the 350 A.D.) Cyril also warns[23] that "**Antichrist is to come** when the times of the **Roman Empire** shall have been **fulfilled** [Second Thessalonians chapter two].... These things we teach..., having learned them out of the Divine Scriptures...and chiefly from the prophecy of Daniel.... Gabriel...interpreted it, speaking thus: '**The fourth beast** shall be a fourth kingdom upon Earth, which **shall surpass all kingdoms**' [Daniel 7:23]. And **that this kingdom is that of the Romans, has been the tradition of the Church's interpreters**....

"**The fourth kingdom, now, is that of the Romans**. Then Gabriel goes on..., saying, 'his ten horns are ten kings that shall arise; and another king shall rise up after them, who shall surpass in wickedness all who were before him [Daniel 7:24].... 'And he shall speak words against the Most High' [Daniel 7:25]. A **blasphemer** the man is, and **lawless**."

Cyril continues:[24] "In another place, Daniel says the same thing: 'And He swore by Him Who lives for ever – that it shall be for a time, and [two] times, and half a time' [Daniel 12:7]. And some peradventure have referred what follows also to this, namely, 'a thousand two hundred and ninety days' [Daniel 12:11]; and this, 'blessed is he who endures and comes to the thousand three hundred and thirty-five days' [Daniel 12:12]....

"If you have a child..., admonish him of this now! Put him also on his guard – lest he receive the false one as the True! For the 'mystery of iniquity does already work' [Second Thessalonians 2:7]....

"I fear these wars of the nations; I fear the schisms of the churches; I fear the mutual hatred of the brethren. But enough on this subject! Only – God forbid that it should be fulfilled in our day! Nevertheless, let us be on our guard!"

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[23] *Ib.*, 15:12-14.
[24] *Ib.*, XV:16 & 18.

Christonomic eschatology in the *Apostolic Constitutions* and *Canons*

Also about the middle of that fourth century A.D., those famous liturgical documents known as the *Apostolic Constitutions* christocratically state:[25] "Have before your eyes the fear of God, and **always remember the Ten Commandments of God** – to love the one and only Lord God! ... You shall observe the Sabbath! ... Reject every unlawful lust! ... Honour your parents! ... Avoid swearing falsely!" *Cf.* Exodus 20:2-17.

The *Constitutions* also teach:[26] "We thank You, our Father, for...Jesus Your Son by Whom You...take care of the whole World.... Gather together Your Church from the ends of the Earth into Your Kingdom! ... Take away error by the roots! ... Be mindful of this Your holy Church...and deliver it from all evil...and gather us all together – into Your Kingdom!"

The *Apostolic Constitutions* also state: "We further pray to You, O Lord, 'for the king and all in authority' [First Timothy 2:2]." We pray "for the whole army, that they may be peaceable towards us so that – leading the whole time of our life in quietness and unanimity – we may glorify You through Jesus Christ Who is our hope.... You Who instructed Ezra Your servant to read Your laws to the people [Nehemiah chapter 8] – would You now also at our prayers instruct Your servant [the Preacher]!"

Indeed, in *The Ecclesiastical Canons of the Same Holy Apostles*,[27] we further read: "Let an Overseer or Presbyter or Deacon who goes to the army and desires to retain both the Roman government and the ecclesiastical administration, be deprived! For 'the things of Caesar belong to Caesar; and the things of God to God' [Matthew 22:21]. Whosoever shall abuse the king or the governor unjustly, let him suffer punishment; and if he be a clergyman, let him be deprived! ... If he be a layman, let him be suspended!"

From Ephraim to Ambrose: all nations are to call Christ blessed

Around 360 A.D., Ephraim (the Syrian Commentator of Edessa) wrote:[28] "O Church, you are blessed! For look, in you is the sound of the great feast, the festival of the King.... Blessed are your gates which are open yet not [now] filled; and your halls which are enlarged yet do not suffice! Look, in your midst is the sound of the nations which cry out and have silenced the people.... O Church, you are blessed in Micah [5:1f] who cried out: 'A Shepherd shall come forth from Ephrata.' For He came to Bethlehem – to take from thence the rod of Jesse, and to rule the nations."

The (362 A.D.) views of Hilary – the Overseer of the Church at Potiers in Gaul – are both condemnatory of the coming Antichrist and optimistically christocratic regarding Christ's True Church. While warmly commending[29] the Culdee or Proto-

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[25] *Apostolic Constitutions*, I:1:1-2 & II:4:36.
[26] *Ib.*, VII:25-26 & VIII:2:12 & 3:22.
[27] *Ecclesiastical Canons of the Apostles*, 83-84.
[28] Ephraem the Syrian: *Hymn on the Nativity*, 18:1,6.
[29] Hilary of Poiters: *On Synods.*

Protestant Overseers of Orthodox Britain for their stand against the Arian heresy – as also Athanasius of Alexandria[30] had likewise commended them for their opposition to the Sabellian heresy (originally from Rome) – Hilary believed that Antichrist would come disguised as an angel of light, and that he would only thereafter[31] assert falsehood.

Says Hilary:[32] "I warn you, beware of Antichrist! ... **You wrongly venerate the Church...in roofs and buildings**.... Can it be doubted that **in these [roofs and Church buidings] – Antichrist is to be seated**?!"

Insists (the 365 A.D.) Basil the Great, Chief Overseer in the Church of Caesarea:[33] "If the ocean is good and worthy of praise before God – how much more beautiful is the assembly of a congregation! ... Here the voices of men, of children and of women arise in our prayers to God – mingling and resounding like the waves which beat upon the shore. This congregation also enjoys a profound calm, and malicious spirits cannot trouble it with the breath of heresy.... In Him [Christ] 'shall all the nations of the Earth be blessed' [Genesis 22:18].... **All** the **nations** shall call the Christ blessed."

Around 385 A.D., Gregory Nazianzen – the Overseer of Sasima – stated:[34] "This is the purpose of God for us. For us, God was made man. He became poor – to raise our flesh and recover His image and remodel man so that we might all be made one in Christ. Christ was perfectly made, in all of us, all that He Himself is – so that we might no longer be male and female, barbarian, Scythian, bond or free (which are badges of the flesh), but might bear in ourselves only the stamp of God...Who asks for little, and bestows great things both in the present and in the future upon those who truly love Him."

Even more interesting is the (390 A.D.) opinion of the forerunner of the great Augustine of Hippo himself – Ambrose the Overseer of the Church in Milan. Said he:[35] "God has ordered all things to be produced [by man], so that there should be food.... For Moses wrote that God said: 'Let Us make man in Our image, after Our likeness, and let them have dominion over the fish of the sea and over the fowl of the air and over the cattle and over every creeping thing that creeps upon the earth!'" Genesis 1:26f.

"Also David said: 'You have put all things under his feet; all sheep and oxen – yes, and the beasts of the field, the birds of the air, and the fishes of the sea' [Psalm 8:3-8]. So these [Stoic] philosophers have learnt from **our** writings – that **al**l things were made subject to man."

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[30] Athan.: *Apology against the Arians and History of Arian Monarchianism* and *Prologue* c. 28.
[31] *Post-Nicene Fathers (PNF)*, Eerdmans ed., 2nd series, IX, pp. lii-liii.
[32] Hilary of Potiers.: *Book against Auxertius*, I sec. 12, in Migne's *Latin Patrology*, X, col. 616; cited in Froom's *Prophetic Faith of Our Fathers*, Review & Herald, Washington, 1950, I pp. 409f.
[33] Basil the Great: *Homily on the Hexaemeron* V:7; & *Epistle* 126:3.
[34] *Oration*, VII:24.
[35] Ambrose: *Duty of Clergy*, I:28:132f.

The above original command to man before the fall, has strong eschatological implications. For Christ, explains Ambrose,[36] "through the obedience of all, becomes Subjector" – in us.

Thus: "When the Gentile has believed and the Jew has acknowledged Him Whom he crucified; when the Manichaean has worshipped Him Whom he had not believed to have come in the flesh; when the Arian has confessed Him to be the Almighty Whom he had denied – then the wisdom of God (His justice, peace, love, resurrection) is in all." For then, Christ shall be all things and in all people. First Corinthians 15:28. Pagans, Jews, Manichaeans and Arians were all yet to come to Christ!

"Through His Own works, and through the manifold forms of virtues, Christ will be in us.... When, with vice renounced and crime at an end, one Spirit in the heart of **all** peoples has begin to cleave to God in all things – **then** God will be all [things] and in all [people]."

For "Christ is going to come [back] when the day of full justice will **have** begun to shine forth.... Just as the lightning goes out from the East and pours its light over the whole World even to the West – so also the Son of man coming with His Angels [or Messengers] will illuminate this World, in order that every man might believe and **all** flesh be saved!"[37]

John Chrysostom: Christ's Church will triumph over the Roman Antichrist

However, already in 396f A.D., the barbaric Visigoths – themselves fleeing from the even more savage Huns in Western Central Asia – invaded the modern Bulgaria. There they crushed the Roman army of Emperor Valens, near Adrianople. Although his successor Emperor Theodosius then in turn subdued them, the Visigoths were but the first of wave-after-wave of barbarians who would progressively and successively fracture and demolish the Roman Empire.

This naturally weakened the authority of the emperor in Rome. Yet unintentionally, it also gradually strengthened the ecclesiastical Overseer in that capital city – by leaving him as the most influential personage in Rome.

Thus, in the place of the Roman Emperor, the 'Bishop of Rome' began to dominate first that city and then gradually also the empire of which it was the capital. Finally, of all of the many Overseers of the Church throughout the World, the Roman Bishop alone began to be called 'Universal Father' alias 'Pope.' This was the situation from about the year 600 onward.[38]

However, this elevation of Rome's Bishop was accomplished only over several centuries. Indeed, round about 400 A.D., John Chrysostom (the 'Golden-tongued') – the famous Overseer of Constantinople – reflected on how some of these unfolding

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[36] Amb.: *On Christian Faith*, V:14:181.
[37] Amb.: *Ennarrations* on Ps. 43, ch. 7.
[38] See B.K. Kuiper: *The Church in History*, Eerdmans, Grand Rapids, 1970, pp. 48-58.

developments apply to the Biblical predictions about the rise of Antichrist. Chrysostom did this especially in his *Homilies* on Second Thessalonians 2:1-9.

There,[39] he said Apostle Paul "discourses concerning the Antichrist and reveals great mysteries.... He [Paul] calls him [the Antichrist] '**apostasy**' – being about to destroy many, and make them **fall away** [**from God**].... He will...be **seated** [or '**enthroned**'] in the Temple of God...[**over every church**].... He will perform great works, and will show wonderful signs." Second Thessalonians 2:3f.

In another homily,[40] Chrysostom discusses the verse Second Thessalonians 2:6f. That states: "Now you know what restrains" [or "that which withholds"]. For there was even then a restrainer – one that also in Chrysostom's time still kept on **withholding** [or **holding back**] the **manifestation** of the "man of sin" mentioned in Second Thessalonians 2:3f. This 'withholding' would continue to be the case – until the restraining withholder be taken out of the way. And **then** – "the lawless one" would be **manifested**!

Asks Chrysostom:[41] "What is 'that which witholds' [Second Thessalonians 2:6]? ... Some indeed say – 'the grace of the Spirit.' But others [say] – 'the Roman Empire' – to which [latter view] I most of all accede."

Deliberately, "Paul expresses it obscurely.... If he **had** meant to say 'the Spirit' – he would **not** have spoken obscurely, but plainly." Thus Chrysostom. Indeed, because the Spirit is Almighty God Himself, it is most bizarre to suggest that He ever **could** be take out of the way! Continues Chrysostom: "But because he [Paul] said this of the **Roman Empire** – he naturally glanced at it, and speaks covertly and darkly....

"He did not wish to bring upon himself superfluous enmities and useless dangers. For if he had said that after a little while the Roman Empire would be dissolved – they would immediately even have overwhelmed him as a pestilent person, him and all the faithful, as living and warring to this end." Hence Paul's specific choice of such 'obscuring' language.

Continues the 'golden-tongued' John Chrysostom: "'The mystery of lawlessness is already at work' [Second Thessalonians 2:7a]. Paul here speaks of [the Roman Emperor] Nero..., the **type** of antichrist. For also Nero wished to be thought of as a god.....

"'**Yet** there is something that **now** keeps on restraining, until he [the restrainer] be taken out of the way' [Second Thessalonians 2:7b].... That is, **when the [restraining] Roman Empire has been taken out of the way – then 'the man of sin' and 'the son of perdition' shall come**" (and indeed **without** any further restraint).

That Roman 'son of perdition' would then not only dominate the Empire. He would also seek to **represent** even Christ 'the Son of man' Himself, and do so precisely in His Temple or Church itself. That imposter-to-come, would thus also be '***Anti***-christ' –

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[39] John Chrysostom: *Homily III* on II Thess. 2:3-4.
[40] Chrys.: *Hom. IV* on II Thess. 2:6-9 & 3:1.
[41] *Id.*

who would present himself in Christ's Church and as Christ's **Vice**-roy. Note here the Greek word *anti*, which means: 'in the place of.'

Antichrist would then claim to rule in Jesus Christ's place – and on His behalf. Yet that surrogate substitute for Christ would rule also on behalf of the **Roman Emperor**. Indeed, anti-christ would arise in the very place of Christ's Church in Rome – in the very citadel and centre of the Roman Empire.

"And naturally!" (says Chrysostom). "For as long as the fear of this [Roman] Empire lasts, no one will exalt himself willingly. But **when** that [**Roman Empire**] has been **dissolved**, he [the coming antichrist] will attack the anarchy – and try to seize upon the government **both** of man and of God.

"The kingdoms before this were destroyed. Thus: that of the Medes by the Babylonians; that of the Babylonians by the Persians; that of the Persians by the Macedonians; that of the Macedonians by the Romans. So will this [**Roman Empire**] also **be**." Yet later, even "**the antichrist**" shall be destroyed – "by **Christ** [compare Second Thessalonians 2:8f].... These things Daniel [chapters 2 & 7] delivered to us with great clearness."

Meantime, continues Chrysostom,[42] in Second Thessalonians 3:1 St. Paul then urged: "'Brethren, pray for us, so that the Word of the Lord may run and be glorified!' ... Now he asks them [the Thessalonian Christians] to pray...that 'the Word of the Lord may run and be glorified'" – even as it was being glorified among those Thessalonian Christians during the first century A.D. Indeed, the ultimate victory of the preached Word here and now **everywhere** on Earth – in answer to **such** prayer – is absolutely certain.

Chrysostom on the future Christianization of both the Jews and the Gentiles

Even the seed of the apostate Jews who rejected Jesus as the promised Christ – would and shall yet be restored to the true Church. Says Chrysostom:[43] "Their fall was not beyond remedy, nor their rejection final.... 'Through their fall, salvation has come to the Gentiles – to provoke them [the Jews] to jealousy' [Romans 11:11]....

"Just consider what will be the case, when they return" – when the Jews repent and come back to their own Messiah, the Lord Jesus! "Then also," predicts Chrysostom, "grace and God's gift will do the larger part.... The unbelief [of the Jews] is not universal, but only 'in part'.... 'The Deliverer [alias the preached Spirit of Christ] shall come forth from Zion [in the preaching of His Word by the Christian Church] – and shall turn away ungodliness from Jacob" alias the apostate Judaists (Isaiah 59:20).

Chrysostom then concludes:[44] "The **Gentiles** were called **first** [in the times before Abraham]. Then, because **they** would not come – the **Jews** were elected [or called]....

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[42] *Id.*
[43] Chrys.: *Hom. 19*, on Rom. 11:11f & 11:25f.
[44] *Ib.*, Rom. 11:30f.

When **the Jews** would not believe – **again the Gentiles** were brought over. And He does not stop here....

"See how much He gives to those of the Gentiles – as much as He did to the Jews before! For when you, He would say, 'in times past did not obey' – being of the Gentiles – then the Jews came in. Again, when these [Jews] did not obey [Christ] – you [Gentiles] have come.

"Yet they [the Jews] will not perish forever. 'For God has concluded all in unbelief.'" Why?" "**Not** so that they may **remain** in **disobedience**, but so that **He should save the one** by the captiousness of the other" – save the wayward Jews through the winsomeness of the Gentile Church. To Gentile Christians, Chrysostom declares: "You have not been saved so as to be put away again...but so as to draw them [the Judaists], over **through jealousy** – while you **Gentile Christians <u>abide</u>**" in the Church. See: Romans 11:11-15 & 11:25-32.

Jerome on the collapse of the Roman Empire and of the subsequent Antichrist

Around A.D. 403 – just after the Romans withdrew from South Britain in order to defend Rome and her Continental Empire against increasing attacks right across her northeastern frontier – the famous Christian Church Historian Sulpicius Severus finished[45] his own *Chronicle* (or *Sacred History*) of the World. Even then, the Roman Empire was already crumbling. Severus sensed it.

Thus he wrote:[46] "**<u>The iron legs</u> [of Nebuchadnezzar's image in Daniel chapter 2] point to a fourth power. And that is understood of the <u>Roman Empire</u>**, which is more powerful than all the Kingdoms which were before it. But the fact that the feet were partly of iron and partly of clay, indicates that **the Roman Empire is to be <u>divided</u>** – so as never to be [re-]united. This too [*viz.* its division], has been fulfilled. For [now,] the Roman State is ruled not by one emperor, but by several. And these are always quarreling among themselves – either in actual warfare, or by factions."

The next crack in the Roman Empire – and a massive one – came soon afterwards. Kuiper observes[47] Rome was sacked by the Goths under Alaric, in 410 A.D. For six days and nights, the barbarians trooped through the city. Soon the streets were wet with blood.

The palace of the emperors and the residences of the wealthy citizens were stripped of their costly furniture, their precious vessels and jewels, their silken and velvet hangings, and their beautiful objects of art. The city which had plundered the World, was now itself plundered. The awful calamity that had befallen the 'Mistress of the World' shocked Pagans and Christians alike. See Revelation chapter 18.

Jerome was sitting in his cave in Bethlehem, writing his *Commentary on the Prophecies of Ezekiel*, when he heard that news. He was overwhelmed with anguish

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[45] Froom: *Proph. Faith Fath.*, I p. 435.
[46] Sulpitius Severus: *History*, II ch. 3.
[47] *Op. cit.*, pp. 49f.

and consternation. He believed that the antichrist was drawing near. He said: "The World is rushing to ruin." In his introduction to his *Commentary*, he wrote: "Who could have believed it that Rome, founded on triumphs over the whole World, could fall to ruin; and that she, the mother of nations, should also be their grave?"

Jerome on the triumph of the Church over the future Roman Antichrist

Yet Jerome knew too that this would by no means be the end of the history of the World. For he also writes[48] that even "Joshua the son of Nun – a type of the Lord in name as well as in deed" – after forty years in the desert, "**crossed over** Jordan." Joshua then "**subdued** hostile kingdoms, divided the land among the conquering people and – in every city, village, mountain, river, hill-torrent and boundary which he dealt with – marked out the spiritual realms of the heavenly Jerusalem, that is, of the Church."

As regards Nebuchadnezzar's predictive dream recorded in Daniel chapter 2, Jerome rightly remarks: "The fourth kingdom, which plainly pertains to the Romans, is the iron which breaks all things into pieces and subdues them. But its feet and toes [themselves] are partly of iron and partly of clay.... For, just as **in its beginning nothing was stronger and more unyielding than the Roman Empire – so at the end** of affairs, nothing was weaker....

"In the end of all these kingdoms of gold and of silver and of brass and of iron, a Stone was cut out ([*viz.* the Kingdom of] the Lord and Saviour) without hands – that is, apart from cohabitation and human seed, from the womb of a virgin. And, **after all [these Pre-Stone] kingdoms had been destroyed – It [the Stone Kingdom] became a great Mountain and filled the whole Earth**."[49]

Writing in 406 A.D.,[50] Jerome comments on Paul's statement in Second Thessalonians 2:6 to the first-century Christians. That is Paul's statement about the 'man of sin' which he made to the first-century Christians in Thessalonica. We means the statement that "you now know what restrains, so that he ['the man of sin'] might be manifested in his time."

Here, says Jerome, Paul means: "You know very well what is the reason why the antichrist does not come immediately. Nor does he [Paul] wish to say openly that the [restraining] Roman Empire must be destroyed – because those who rule, think [it] eternal! Whence, according to the Apocalypse of John [Revelation chapter 17], on the brow of the purple-clad harlot is written a name of blasphemy – that is, of **Rome eternal**. For if he [Paul] had openly and boldly said, 'antichrist will not come unless the Roman Empire is first destroyed' – a just cause of persecution would then have...arisen in the Early Church."

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[48] Jerome of Bethlehem: *Epistles*, 53.
[49] Jer.: *Commentary on Daniel*, 2:40.
[50] *PNF*, 2nd ser., VI p. 224.

Jerome further adds that antichrist will "sit in the Temple of God...**in the Church**." Yet **that will not occur** "**unless [or until]...the Roman Empire has been desolated**." Indeed, even after that, **until "antichrist has preceded Him – Christ will not come**.... When I [Paul] was with you [Thessalonians], I told you that Christ would not come – unless antichrist had come before."

Yet Jerome also believed[51] that the Roman Empire – the agent then restraining the manifestation of antichrist – had even then already started to be removed. Already in 396 A.D., he was writing:[52] "I shudder when I think of the catastrophes of our time.... The Roman World is falling!"

Indeed, after its downfall – as Jerome well knew – the antichrist would arise to fill the vacuum. For it was precisely the Roman Empire which **had been restraining** antichrist's advent.

Jerome states[53] that St. Paul in Second Thessalonians 2:3-8 "shows that what restrains [Antichrist's manifestation] is the Roman Empire. For unless [and until] it shall have been destroyed and taken out of the midst – according to the Prophet Daniel [7:20f], **Antichrist** will **not** come **before** that. If he [Paul] had chosen to say this openly, he would foolishly have aroused a frenzy of persecution against the Christians and against the growing [or expansion of the] Church."

Especially Jerome's *123rd Epistle* – written in the fateful year 409 A.D.[54] (alias one year before Alaric's Goths sacked the City of Rome itself) – is very significant. There, Jerome states:[55] ""That which keeps on withholding, is being taken out of the way'.... Antichrist is near!

"Yes, Antichrist is near – whom the Lord Jesus Christ shall consume with the Spirit of His mouth" (His preached Word). Second Thessalonians 2:7f. "The whole country between the Alps and the Pyrenees, between the Rhine and the Ocean, has been laid waste by [**ten**] hordes of Quadi, Vandals, Sarmatians, Alans, Gepids, Herules, Saxons, Burgundians, Allemanni and...even Pannonians [Daniel 2:42 & 7:20].... If Rome be lost, where shall we look for help?"

Rome would indeed be lost – but not God's World, nor His true Church! Neither should the latter ever look to Rome for help – but only to the Lord God, the Maker of Heaven and Earth. Psalm 121.

Explains Jerome:[56] "The Roman City...in the Apocalypse of John [Revelation 17:5-18 & 18:2-10] and in the Epistle of Peter [First Peter 5:13] is specifically named 'Babylon'.... All those things which are spoken of in relation to Babylon, testify that they bear upon her ruin – against whom a sign and the justice of God must be invoked. Consequently, after Zion (that is the Church) has been preserved – Babylon shall be destroyed eternally."

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[51] *PNF*, VI p. 230.
[52] Jer.: *Ep.*, 60.
[53] Jer.: *Commentary on Jeremiah*, V ch. 25 (in Migne's *Lat. Pat.* XXIV col. 1020).
[54] *PNF*, 2nd ser., VI p. 230.
[55] Jer.: *Ep.*, 123:16-17.
[56] Jer.: *Commentary on Isaiah*, XIII ch. 47 (in Migne's *Lat. Pat.* XXIV col. 454).

For the true Church herself, though impedibly harassable, is unannihilatably indestructible. Matthew 16:18. Indeed, even apostate Jewry shall yet be saved – and then be brought into the Kingdom of the Lord Jesus Christ. For, adds Jerome:[57] "She has long **been** deprived of her altar, priests, and prophets – and has **[yet] to abide** many days, for her first Husband [Hosea 2:7 & 3:3]. For **when** the fulness of the Gentiles shall **have** come in – **all Israel** shall be saved." Romans 11:25f.

Augustine of Hippo on the Church's triumph over Rome as the Antichrist

We now come to the greatest theologian before the Protestant Reformation – Augustine, the Overseer of Hippo-Regius in North Africa. He began writing his masterpiece, *The City of God* (on the meaning of the history of the World), in A.D. 413 – just three years after Alaric's Goths sacked the City of Rome.[58]

Now Rome was the 'Babylon' of John's Revelation. To Augustine:[59] "The City of Rome was...the daughter of the former Babylon by which God was pleased to conquer the whole World and subdue it far and wide, by bringing it into one fellowship of government and laws.... [Rome herself as] such a city has not amiss received the title of the 'mystic' Babylon....

"Rome herself is like a second Babylon.... Some think that in this passage [*viz.* Second Thessalonians 2], antichrist means not the prince himself alone, but...the mass of men who adhere to him – along with him their prince.... They also think that we could render the Greek more exactly...'**as** the Temple of God' – as if **he** himself **were** the Temple of God, [alias] **the Church**."

To Augustine, however, God's Kingdom would still continue to expand even after and in spite of the sacking of Rome – and even in spite of the yet later appearance of antichrist. For, says he,[60] "we must now contemplate the rich and countless blessings with which the goodness of God Who cares for all He has created – has filled this very misery of the human race which reflects His retributive justice.

"The first blessing [was that] which He pronounced before the fall, when He said: 'Increase and multiply and fill the Earth!' He did not inhibit [that blessing] after man had sinned. But the fecundity originally bestowed, remained."

Further:[61] "The Church even now is the Kingdom of Christ and the Kingdom of Heaven. Accordingly, even now, His saints reign with Him – though otherwise than they shall reign hereafter. And yet, though the tares grow in the Church along with the wheat – they do not reign with Him....

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[57] Jer.: *Ep.* 123:3.
[58] Froom: *op. cit.,* I p. 476.
[59] Augustine of Hippo: *City of God* XVIII chs. 22, 41 & 18; & XX ch. 19.
[60] *Ib.,* XXII:24.
[61] *Ib.,* XX:9.

"Those reign with Him who do what the Apostle says: 'If you have risen with Christ – mind the things which are above where Christ sits, at the right hand of God! Seek those things which are above – not the things which are on the Earth!' Of such persons, he also says that their conversation [or 'way of life'] is in Heaven. In fine, **they** reign with Him – who are **so** in His Kingdom."

Augustine's World-conquering Christian Postmillennialism

Yet how does Christ's Church expand? "First of all," explains Augustine,[62] "the Church spreads herself abroad from Jerusalem.... When very many in Judea and Samaria had believed, she also went into other nations.... Finally, the Gospel of Christ was preached in the whole World" (as it was then then known).

"Thus the people of the nations, believing in Him Who was crucified for their redemption, might venerate with Christian love the blood of the martyrs." That the people of the heathen nations "had poured forth with devilish fury – but so that the very kings by whose laws the Church had been laid waste, might profitably become subject to that Name they had cruelly striven to take away from the Earth....

"He would by His grace collect, **as now He does**, a people so numerous that He thus fills up and repairs the blank made by the fallen angels.... The beloved and heavenly city is not defrauded of the full number of its citizens – but perhaps may even rejoice in a **still more** overflowing population."

That ever-increasing flow of the Gentiles into the Church would continue – and expand! Romans 11:13-31 *cf.* Daniel 2:34-45. States St. Augustine:[63] "The **Jews** were to be pardoned, because they stumbled at a **Stone** [the then-lowly Christian Church] which had not yet increased. What sort of persons [then] are those who stumble at the **Mountain** itself?

"Already you know who they are of whom I speak. Those who deny [that] the Church [is being] diffused throughout the whole World, do not stumble at the lowly Stone – but at the Mountain itself. Because this the Stone became, as it grew. The blind Jews did not see the lowly Stone. But how great [is the] blindness not to see the Mountain!"

Augustine of Hippo adds:[64] "The Mountain...grew out of a small Stone, according to the prophecy of Daniel [chapter 2], and filled the whole Earth." The Mountain-Church's communion is being spread throughout the whole Earth. "**Not yet**," explained Augustine, "had that Stone increased and filled the whole Earth. That He [only later] showed in His Kingdom, which is the Church with which He has filled the whole face of the Earth." He still keeps on filling it.

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[62] *Ib.*, XVII:50 & XXII:1.
[63] Aug.: *Fourth Treatise on John's Gospel*, sec. 4.
[64] Aug.: *Epistle to Petilian the Donatist*, II ch. 38:91.

Elaborating on this, Augustine further explains[65] that also "there is that other Psalm [45:7]. There...the very word 'anointed' points to Christ.... In reading what is said in the Psalm about Christ and about the Church – he [the reader] would find that what is there foretold, is being fulfilled in the present state of the World. He would **see the idols of the nations perishing from off the Earth**....

"He would find that this is predicted by the Prophets, as in Jeremiah [10:11] – 'Then shall you say to them, "The gods that have not made the Heavens and the Earth, shall perish from the Earth and from under Heaven!"' And again [in Jeremiah 16:19-21] – 'O Lord my Strength and my Fortress and my Refuge in the day of affliction, **the Gentiles shall come to You from the ends of the Earth**'....

"**This militant spiritual regime [of Christ's present rule on Earth], is to grow more prosperous with the passing of the years**, until we come to that most peaceful Kingdom in which we shall reign without an enemy.... It is of this first resurrection in the present life that the Revelation speaks" (at 20:5).

The collapse of Rome paves the way for the rise of the Romish Papacy

Toward the close of Augustine's life during the siege of Hippo, the Vandal King Genseric had advanced from Spain to North Africa. Shortly thereafter, that latter Province was lost to the Romans. Within a few decades, the Western Empire had crumbled totally.[66]

At the same time, also the Church – in what had been the Roman Empire in general, and the City of Rome in particular – itself went into decline. Strange and unbiblical doctrines now took root there. Overseers became 'Bishops'; Chief Overseers became 'Archbishops'; and the most influential Bishop, that of Rome herself, would before many years become 'Universal Father' alias 'Sole Pope.' Except in the isolation of the British Isles – the growth of Biblical religion had now stagnated throughout Continental Europe.

Already in A.D. 435, the famous French Presbyter Vincent of Lerinum declared:[67] "Some one will perhaps say: 'Shall there then be no progress in Christ's Church?' Certainly; all possible progress.... [However,] progress requires that the subject be **enlarged** in itself.... The intelligence [first]; then the knowledge; [and next] the wisdom – as well of individuals as of all; as well of one man as of **the whole Church – ought, in the course of ages and centuries, to increase and make much and vigorous progress**."

But for **that** kind of vigorous progress, Vincent's own France would first have to wait for another millennium – till the 1509 birth of her greatest son, Jean Cauvin (or John Calvin). Meantime, the Roman Empire itself became first endangered – and then

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[65] Aug: *To Faustus the Manichaean* XIII:7 (cited in S.J. Case's *The Millenial Hope*, Chicago University Press, 1918, p. 181).
[66] Froom: *op. cit.*, I p. 475.
[67] Vincent of Lerinum: *Commonitions*, XXIII:547.

infected. his occurred in repeated waves of political attacks from **without** – and finally through much siastical corruption from **within**.

Professor R.B. Kuiper writes[68] that around 452 A.D., the Huns – who had been exerting pressure on all the Germanic tribes – were defeated at the Battle of Chalons. Their leader Attila turned toward Rome – but the intercession of Leo the First saved the city.

The Vandals were the next tribe to plunder Rome. After occupying Spain and North Africa, they crossed the Mediterranean Sea and took Rome in the year 455. Then the last Roman Emperor was removed by Odoacer. Thus the Empire fell, but the Church survived.

Many of the barbarian tribes had accepted Christianity, or at least Arianism. Especially once the Emperor had been removed, they even respected the Bishop of Rome. With their invasion of the western part of the Roman Empire, and their conquest of Rome in 476, the barbarians brought the ancient history of the World to an end.

They ushered in the Middle Ages. The latter continued almost a thousand years, until Constantinople's fall to the Islamic Turks in 1453. That was just half a century before the commencement of the Protestant Reformation.

Professor Dr. Leroy Edwin Froom declares[69] that the Western Empire perished through internal weakness and barbarian inroads. It was soon replaced by the papacy. National misfortune and imperial favour were the twin causes of ecclesiastical Rome's successful early advance.

The Vatican's Bishop Leo [440-461 A.D.] began to declare his right precisely to the vacant imperial throne – as the fitting seat of Christ's Universal Kingdom. In this way, the Roman Church pushed its way into the place of the Western Empire – of which, according to the great Church Historian Professor Dr. Adolf von Harnack, it is "the actual continuation."

Cognate developments in the Eastern Empire, peaked in measures taken by Justinian Caesar. Again according to Froom, Justinian's decree of 533 led to the legal establishment of the Bishop of Rome as Head of all the churches – including those of the East.

Arian Ostrogoths were ruling Italy. It was only by the removal of their control – only as their besieging forces were cleared away from Rome – that the Bishop of Rome became free to exercise the jurisdiction for which provision had now legally been made through the *Code of Justinian*. The siege ended in March 538.

Now the Latin word *papa* (alias pope) means 'father.' It is of course true that the various metropolitan bishops in the more important Mediterranean cities had now already for quite some little time been called spiritual 'fathers' or 'popes.' However, so far the Bishop of Rome alone had never been called 'sole pope' or 'chief pope' or

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[68] *Op. cit.*, pp. 50,48,50f.
[69] *Op. cit.*, I pp. 497-515.

'universal father.' Indeed, when Eulogius Bishop of Alexandria and Anastasius Bishop of Antioch (for the first time ever) gave that exclusive title to Gregory Bishop of Rome – that holy man very strongly repudiated the it.

Gregory the Great of Rome resists being called the first Universal Pope

This then brings us to Gregory the Great, Roman Bishop from 590 to 604 A.D.[70] Held he:[71] "Our brother and Fellow-Bishop John in the city of Constantinople...held a synod in which he attempted to call himself Universal Bishop....

"No one of my predecessors has ever consented to use this so profane a title – since, forsooth, if one [Metropolitan] Patriarch is called Universal, the name of 'Patriarch' in the case of the rest is derogated. But far be this; far be it from the mind of a Christian that any one should wish to seize for himself that whereby he might seem in the least degree to lessen the honour of his brethren.... Therefore...never call any one Universal!"

Bishop Gregory of Rome then went on to say that neither he himself nor any other man but God alone and the Kingdom of Jesus Christ should receive all the glory. "We give thanks the more to that grain of mustard seed [Matthew 13:31f].... From what appeared a small and despicable seed, it has been so spread abroad everywhere (by branches rising and extending themselves from the same root), that all the birds of heaven may make their nests in them.... Thanks be to that leaven which, in three measures of meal, has leavened in unity the mass of the whole human race [Matthew 13:33].... And [thanks be] to the little stone which, cut out of the mountain without hands, has occupied the whole face of the Earth [Daniel 2:35], and which to this end everywhere distends itself."

Unfortunately, those who immediately succeeded Gregory as Bishop of Rome were not so humble as he to repudiate the new title (of 'Universal Bishop'). For instead, they gladly got themselves addressed as 'Pope' (alias 'Universal Father'). As Church History Professor Dr. Philip Schaff points out,[72] Gregory the First (alias 'the Great') – the last of the Latin Fathers and the first of the popes – connects the ancient with the Mediaeval Church.

The very activity of Gregory, tended powerfully to establish the authority of the 'papal' chair. He combined a triple dignity – episcopal, metropolitan and patriarchal. But a universal episcopate, including an authority of jurisdiction over the Eastern or Greek Church, was not acknowledged. What is more remarkable, [it] was not even claimed by him, but emphatically declined and denounced. He himself went so far as to declare[73] that "whosoever calls himself '**Universal Priest**' – or desires to be called so – was the forerunner of **Antichrist**!"

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[70] Schaff: *op. cit.*, IV p. 205.
[71] Gregory the Great: *Epistles*, 43.
[72] *Op. cit.*, IV pp. 212-220.
[73] Greg. Gt.: *Ep.* 7:13.

Gregory the Great died in A.D. 604. Unfortunately, Emperor Phocas then issued a decree calling the A.D. 607 new Bishop of Rome (Boniface III) – the "Head of all the Churches" in the Empire. According to Milman,[74] Emperor Phocas was the most odious and sanguinary tyrant who had ever seized the throne of Constantinople (which was at that time the political headquarters of the Roman Empire).

Phocas, declares Professor Schaff,[75] was an ignorant and vulgar as well as a cruel and deformed upstart. He, after the most atrocious murder of Emperor Maurice and his whole family, had ascended the imperial throne. Fittingly, after a disgraceful reign (from A.D. 602 to 610), he was stripped of the diadem and purple. Then he was loaded with chains; insulted; tortured; beheaded – and cast into the flames.

Yet sadly, Rome's Bishops after Gregory gloried in their new title of 'Universal Bishop' (or 'Pope'). As Schaff observes,[76] it is a very remarkable fact that at the beginning of the unfolding of the greatest power of the papacy, one of the best of the 'popes' should have protested against the **anti-christ-ian** pride and usurpation of the system. The successors of Gregory, less humble and more consistent than he, had no scruple to use equivalent and even more arrogant titles than the one against which he so solemnly protested.

Gregory himself had written in various of his *Epistles*[77] that the title 'Universal Bishop' was "execrable" and "atrocious" and "profane" and "proud" – and that whosoever used it was the "precursor of Antichrist." Yet, as Professor Froom points out,[78] when Gregory closed his remarkable career – the papacy of the Middle Ages was born.

In form, it strikingly resembled that of the Roman Empire itself. It assumed the ultimate control over the whole Roman Empire by an allegedly Christian Bishop – and thus set the foundation of the mediaeval papacy.

Yet neither pope, nor emperor, nor king – could ever be above the Law of God! For as Gregory's contemporary the famous A.D. 560 to 636 theologian Isidore of Seville wrote:[79] "It is just, that the prince should obey his own laws. For the authority of his voice is just – only if he is not permitted to do what he has forbidden to the people."

Papacy denounced by Mediaevalists, Reformers and the *Westminster Confession*

After the 607f Boniface III arrogated to himself the title of Universal Bishop (for the first time ever done by any Bishop of Rome) – the papacy would often by denounced. This was done: by Arnulf of Orleans; by the 1100f Waldensians; by the 1240 Eberhard of Salzburg; by the 1248 *Pseudo-Joachim Commentaries*; by the 1298

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[74] II.83. Cited in Schaff's *op. cit.*, IV p. 221 n. 3 (*cf.* too p. 222 n. 1).
[75] *Op. cit.*, IV pp. 221f.
[76] *Op. cit.*, IV p. 225.
[77] Greg. Gt.: *Epp.* V:18,19,20.21,43.
[78] *Op. cit.*, I p. 529.
[79] Isidore of Seville: *Sentences*, 3:51.

Pierre Jean d'Olivi; by the 1305 Ubertino of Casale; by the 1305 Dante Alighieri; by the 1331 Michael of Cesena; by the 1345 John of Rupescissa; by the 1350 Francisco Petrarch; and by the 1367 John Milicx.

This alleged office of the papacy was then also denounced: by the 1379f John Wycliffe; by the 1388 Matthias of Janow; by the 1389 Richard Wimbledon; by the 1390 John Purvey; by the 1393 Walter Brute; by the 1412 John Huss; and by the 1497 Girolamo Savonarola. Indeed, this was also done by the 1522 Martin Luther – and by every single 16th-century Protestant Reformer, without any exception whatsoever.[80]

Rightly did John Calvin then remark in 1536 A.D.:[81] "The controversy concerning the title of 'Universal Bishop' arose at length in the time of Gregory [590 to 605 A.D.].... He strongly insists that the appellation is profane, nay blasphemous, nay the forerunner of Antichrist. [Said Gregory:] 'The whole Church falls from its state, if he who is called "universal" falls' (Greg., *Lib.* IV, *Ep.* 76).... 'To consent to that impious term, is nothing else than to lose the faith' (*Lib.* IV, *Ep.* 83).... 'Every one that calls himself, or desires to be called Universal Priest – is by his pride a forerunner of Antichrist.' (*Lib.* VIII, *Ep.* 154)."

It will be remembered that even before Rome's Bishop was first called sole "Pope" around 600 A.D., many of the early Church Fathers had strongly warned Christians to beware of the later Antichrist. Thus the *Epistle of Barnabas*, the *Epistles of the Shepherd of Hermas*, and the writings of Justin Martyr.

Irenaeus called that **Antichrist** "the **Latin** one." Indeed, his specifically *Roman* identity was stressed by Tertullian, Hippolytus, Victorinus, Lactantius, Cyril of Jerusalem, Chrysostom, Jerome, and the great Augustine of Hippo. All of the latter pinpointed that Antichrist's rise, to a time after the (400f A.D.) fall of Rome – and also after the subsequent emergence of the ten kingdoms in Europe which then replaced that Roman Empire about a century later.

Small wonder, then, that Rome's Bishop Gregory ('the Great') repudiated the antichristian title of 'Pope' – around 600 A.D. He did so, even though his contemporary and legate to England – Austin of Rome and later of Canterbury – unsuccessfully tried to commend the primacy of Rome's Bishop to the leaders of the Proto-Protestant Early Celtic Church among the Christian Britons.

Even after the 664 A.D. Synod of Whitby, the entire Brythonic Church and many also in the young English Church continued to reject the papacy – from 666 onward. This also continued in the British Isles, until at least the twelfth century.

Also later, it was precisely in Britain that Proto-Protestantism re-asserted itself. This is seen in Greater Cumbria's Wycliffe; in the Englishmen Wimbledon and Purvey; and the Welshman Walter Brute (or Britte). Compare Revelation 12:14 to 14:10f.

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[80] Froom: *op. cit.*, I pp. 860f,894f,903,937f; II pp. 156f & 528f.
[81] J. Calvin: *Institutes of the Christian Religion*, IV:7:4.

Indeed, from Wycliffe *via* his Hussites and thence to Luther – the entire Protestant Reformation can in a sense be seen as a re-assertion of British Proto-Protestantism against Continental Romanism. Compare, for example, the anti-papal views of Tyndale, Ridley, Hooper, Cranmer, Edward VI, Knox, Elizabeth I, Bale, Jewel, Napier, Brightman, Hammond, Downham, James I, Mede, Ussher, Tillinghast, Goodwin, Owen – and all of the Westminster Fathers without exception.

Thus the 1645f British *Westminster Standards* fully maintain this historic anti-papal view of Holy Scripture and of all Bible-believing Church Fathers and British theologians right down till that time. Hence, the *Westminster Confession of Faith* (25:6) strongly denounces "the Pope of Rome" as "that antichrist" – and proclaims the state, alias the civil magistrate, to be subject to the Law of God and therefore free from the power of the papacy (19:1-4 & 23:1-4).

Against the power of the papal Antichrist, also the British *Westminster Larger Catechism* (Question and Answer 191) rightly espouses the Holy Bible's own anti-papal christocratic eschatology – alias the increasing 'coming' of the Kingdom of God right here on Earth. Thus, it predicts: the destruction of the kingdom of sin and Satan; the propagation of the Gospel throughout the World; the calling of the Jews to Christ; the bringing in of the fullness of the Gentiles; the purging of the Church from all corruption – [and its then being] countenanced and maintained by the civil magistrate."

Also elsewhere, the *Westminster Confession* (22:3 & 29:2-6) liberates from Romanism. Indeed, its re-assertion of the Law of Nature explicitly – and the Common Law implicitly – again implies a repudiation of the papacy. Compare *Westminster Confession* 1:1; 1:6; 10:4; 20:4; 21:1, 21:7 – and especially 23:4 & 25:6.

The Biblical and pre-papal roots of Ancient British Common Law

This then bring us to the need of rapidly tracing the development of specifically British Common Law. Here, we must first go back in Bible-believing Britain to the time **long before** the first 'pope' (Gregory I).

It must be remembered that some Biblical influences reached Britain probably already in Old Testament times. That occurred through early Heber-ew influences on the ancient Gomer-ites. Genesis 9:27 to 11:9. It happened also through later Israelitic and even Judean influences – namely through Pre-Christian commercial contact with Britain and her Hebrew-like druids from Spain and Palestine. Jonah 1:3; Ezekiel 27:12-25; *Yebamoth* 63a; Origen's *Against Celsus* I:16.

Indeed, there is much evidence[82] that Celtic Britain embraced even Biblical Christianity – straight from Palestine, and already during the first century. Thus the Proto-Protestant Gildas, author of the oldest extant Christian Celto-Brythonic historical writings. Even the Anti-Brythonic Anglo-Saxon Romanist Bede[83] later

[82] See in chs. 10 & 12 below.
[83] See in ch. 20 below.

implied that Christianity was openly proclaimed the 'State Religion' of at least a region of Celtic Britain by 156 A.D.

The Early Church Fathers Tertullian, Hippolytus, Origen and Eusebius all record[84] that Christianity was very strong in Britain already by 195f A.D. Also, it seems (the *circa* 288 to 337 A.D.) Constantine, who nominally christianized the whole of the Western Roman Empire, was himself a British Christian.[85]

The very famous Anglo-Saxon Church Historian Bede of Northumbria, in his (731 A.D.) *Ecclesiastical History of the British Peoples*, clearly implies that Biblical religion and Christian values influenced also Brythonic Law in the early centuries of the Christian Era. Moreover, the even more famous Anglo-Saxon Legislator King Alfred, in his (881f A.D.) *Dooms* or 'Deemings' (alias *Aelfreds Domas*), claims to have compiled his Common Law – *via* that of Ina and Offa and Ethelbehrt – especially from Holy Scripture. It is also clear that Alfred – *via* his Welsh mentor Asser – collected Common Law principles also from the (510f B.C.) *Mulmutian Code* of the Ancient Brythonic King Dunvallo Moelmud.

A good example of this antiquity of British Common Law, is seen in the institution of **dower**. During the early times chronicled in the Older Testament, a wife was entitled to receive her dowry. Genesis 30:20 & 34:12 *cf.* Exodus 22:17. Dower was probably also an Ancient Celto-Brythonic institution. It has been also in English Law, at least since Early Anglo-Saxon times. It was certainly in use among the Anglo-Danes, and was safeguarded in 1215 by *Magna Carta* (Chapter VII). Indeed, it was as "widespread as the Christian religion, and enters into the contract of marriage among all Christians." Thus the 1918 North Carolina case of *State* v. *Dunn*.

Especially after Constantine, Christianity was soon to have been spread throughout Britain and exported also to other adjacent lands by British Missionaries like Ninian and Patrick. Even after the Anglo-Saxon invasion of Britain in 429 A.D., Celtic-British Christians (such as Dewi, Samson-Dol, Paul-Leon, Embres Erryll, King Arthur, Kentigern alias Mungo, Finian, and Gildas) continued to promote Proto-Protestant Christianity throughout Britain. Indeed, the Celtic British Christian Embres Telesin warned his countrymen against the then very novel yet recent threats being made by "Romish wolves" at least half a century before Gregory of Rome sent his agents to address the paganistic Anglo-Jutes in Kent around 597.

It is true that 'Pope' Gregory indeed sent papal legates (with their Roman-Romish Law) to the pagan Anglo-Jutes in Kent around A.D. 597. It is also true that this (for the first time) to some extent then led to the spread of Roman Catholicism in some of the Anglo-Saxon parts of Southeast Britain. However, even those Anglo-Jutes in Kent (and their fellow Anglo-Saxons elsewhere in Britain) had already absorbed much of the christianized Common Law of the Ancient Britons (from A.D. 429 onward) – quite apart from the fact that they themselves also preserved the kindred Germanic Common Law ever since even before the incarnation of Christ.

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[84] See ch. 3 above.
[85] See chs. 14 & 15 below.

It is to the Pre-Gregorian legal history of those Celtic Ancient Britons, then, to which we must next turn back. For only thus can one understand its impact on the later English Anglo-Saxons – and grasp the further development of Anglo-British Common Law into Modern Common Law.

According to the 1914 *Washington Law Report*,[86] very much of the Common Law of Britain was founded upon Mosaic Law. Again, according to Pomeroy's famous *Equity Jurisprudence*,[87] the early Anglo-Saxon codes re-enacted certain precepts taken from the Holy Scriptures. Indeed, as rightly pointed out by Judge President Dent in the 1899 West Virginian case of *Moore* v. *Strickling*,[88] (the 881f A.D.) King Alfred in his *Doom Book* adopted the Ten Commandments and other selections from the Pentateuch together with the *Golden Rule* (of Matthew 7:12) as the very foundation of the Early English Laws.

However, Wessex's King Alfred also updated Wessex's B.C. 510f Common Law of the Brythonic King Moelmud. The latter, in turn – with or without Ancient Hebrew input – built upon the Law of nature and of nature's God, as all derived from his ancestor the Japhethitic Gomer who dwelt in the tents of Shem. Genesis 9:27 - 10:5.

Ancient Celto-British Common Law derived from Noah *via* Japheth and Gomer

Now clearly, the Law of nature was written (by the Triune God Who created nature) on the heart of God's image man ever since his creation. Such then was the Common Law throughout humanity, prior to the Noachic Flood. See: Genesis 1:26f; 4:1-15; Romans 1:18-20; 2:14-16.

Indeed, this Common Law was re-enjoined to the postdiluvian survivors of the human race – to Noah and his sons Shem and Ham and Japheth – as they emerged from the ark in Armenia perhaps no later than B.C. 2500. Genesis 8:4,18-22 & 9:1-7 (*cf.* Acts 14:15-17 & 15:15-29 & 17:24-29 & 21:25).

Japheth's Japhethites would dwell in the tents of Shem, Genesis 9:27, also after the *circa* B.C. 2350 great dispersion of mankind from Babel. Genesis 10:1-12 & 11:1-9. Perhaps by B.C. 2250, some of the Shem-ite Heber's descendants, the Heber-ews (Genesis 10:21f & 11:17f), were settling in (H)iber-ia alias Spain – and in Hiber-nia alias Ireland. Indeed, the British Gomer-ians in their inaccessible Western Isles – dwelling 'in the tents of Shem' (Genesis 9:27 to 10:5) – would themselves become the great bastion and maintainers of the Common Law (and also of its later Proto-Protestantism).

Barrister-at-Law Owen Flintoff (M.A.), of London's Temple Bar, has written an important book titled *The Rise and Progress of the Laws of England and Wales*. There, he rightly remarks[89] that when after the flood the three sons of Noah retired

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[86] *Washington Law Report*, 1914, 770 (Barnard).
[87] 1 Pomeroy's *Equity Jurisprudence*, 1881 (5th ed. 1941) sect. 10.
[88] *Moore* v. *Strickling* (1899) W.Va. 515, 33 SE 274, 50 LRA 279, 282.
[89] O. Flintoff: *The Rise and Progress of the Laws of England and Wales*, Roworth, London, 1840, pp. 9f.

with their families from Armenia – they spread themselves over the Earth in different directions. "By these were the nations divided in the Earth after the flood." Genesis 10:32. The descendants of Japheth, who inherited his father's blessing that his borders should be enlarged [Genesis 9:27], took possession of Europe and its Islands. See Ezekiel 38:6 [& 39:29 *cf.* 27:12-26]. 'By these,' says the sacred history – 'were the Isles of the Gentiles divided in their lands.' Genesis 10:5.

The religion of the Ancient Britons had its origin in truth. It was principally founded on their traditions of the deluge, considering Noah the restorer of mankind. They retained traces of the Trinity. Accordingly, the *cromlech* (alias the triune trilithon or structure of three stones) – of which there are many in Britain – was intended to represent the Noachic ark as saved by the Triune God. See Davies's *Mythology of the Druids*. Thus Barrister Flintoff.

The eminent Spanish Church Father Isidore of Seville confirms the above facts – also from his secular writings on ancient history. Explains Isidore in his A.D. 620 *Origins*:[90] "**Gomer was the father of the Cymric Britons**. The people sprung from the race of Japheth left their names to places and people. **Gomer the eldest son of Japheth [Genesis 10:2] was the ancestor of the Gomerians who obtained the names of Cimmerii, Cymri or Cymbri. They were also called Celti and Galli alias the Gaels – who are still found in the north of Great Britain. The Cymri (or Welsh) call themselves Kumero, Cymero and Kummeri. Thus, the Britons form part of the great Cimmerian or Gomerian nation**." Thus Isidore.

The earliest firm event in the development of British Common Law – after the arrival of the Celtic Irish in the largeWestern Isles opposite the coast of Northerwestern France then known as Celtica during successive waves before B.C. 2000 – seems to be the coming of Hu Gadarn and his fellow Britons from the area to the north of Ararat and *via* the Ukraine around B.C. 1850. Genesis 8:4f *cf.* 9:1-7 & 10:1-5. Hu was the "leader of the Cymry" and "the teacher" of "the repository of ancient traditions." Thus the Ancient Welsh *Triads*.[91]

Possibly this coincided with the erection of Stonehenge in Wiltshire, and of similar structures elsewhere in Britain. Hu was also "the teacher of ploughing and the inventor of music and song" – all of which presuppose Ancient Common Law to regulate them. Indeed, according to the *Triads*, Hu exported tin, bronze, gold, iron and pearls from the British Isles – and to the Near East. Certainly, merchants were even then already sailing between the British Isles and Phoenicia (just to the north of Palestine and south of Troy).

Only around B.C. 1450f, was the primordial history of man and the Mosaic Law finally inscripturated in that form now known as the Book of Genesis. Then, around 1200f B.C., the Trojan War took place. At that time, explains Barrister Flintoff,[92] the principal seat of the Gomer-ic Cymri was the country bordering on the Caspian and Black Seas. There appears a strong resemblance between the customs of the nations

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[90] Isid. Sev.: *Orig.* IX:2.
[91] See in ch. 7 below.
[92] *Op. cit.*, pp. 9f.

engaged in the Trojan War – *cf.* (the *circa* B.C. 1200) King Brut alias Brit – and the Brit-ons.

The next firm date appears to be about B.C. 1150, when Brut of Troy arrived in Brit-ain. According to the great Puritan Lawyer and English Attorney-General Sir Edward Coke:[93] "Brut-us, the first king of this land, as soon as he had settled himself in his kingdom – for the safe and peaceable government of his people wrote a book in the Greek tongue, calling it the *Law of the Britons*.... He collected the same out of the laws of the Trojans.... Samuel was then Judge of Israel when...the laws of the Ancient Britons – their contracts and other instruments, and the records and proceedings of their Judges – were written and sentenced."

Gildas & Blackstone on Japheth's Scythians and Ancient Iro-Scotic Law

It was apparently in successive waves that the Scyths reached Ireland and Scotland. They did so as first the Scots-Irish in Ireland, and later (thenceforth) as the Iro-Scots in Scotland. Perhaps from as early as B.C. 1800 – and certainly thereafter at intervals, and especially also around B.C. 600f – these Scythian 'Scots' arrived in the British Isles. They came from the general area of the Ararat Mountains in the Caucasus range to the north of Palestine and to the east of the Black Sea. For these Scyths seem to be the Japhethitic A-shch-enaz. Genesis 8:4 & 10:1-5 *cf.* Jeremiah 50:41 and 51:27. Compare the *Skuth-ai* of Colossians 3:11.

The Irish sometimes styled themselves *Scoitagh* or *Scuiteigh*. In the oldest exant history of the Christian Ancient Britons, the A.D. 560 Christian Celto-Brythonic Gildas calls the Irish Sea the Scythian Valley. In his *History of the Britons*, the 825 A.D. Christian Celto-Brython Nenni expressly calls the Scots "*Schythae*" – compare Colossians 3:11.

The A.D. 880 Alfred, in his very own English translation of the history written by the A.D. 385f Spaniard Orosius, calls the Scots *Scyttam*. The Germans call both the Scythians and the Scots – *Scutten*. Indeed, also the Ancient Britons called them *Yscott*.[94]

The great Oxford Vinerian Professor of English Law Sir William Blackstone was offered the post of England's Solicitor-General, and was appointed Judge of the Court of Common Pleas. He remarks in his famous 1765f *Commentary on the Laws of England*[95] that the seventeenth-century British Lord Chief Justice "Sir Edward Coke observes (4 *Inst*. 345) how marvellous a conformity there was not only in the religion and language of the two nations ['Scotland' and 'England'], but also in their antient laws.... He supposes the Common Law of each to have been originally the same." Indeed, what later became Welsh Common Law – was previously the Common Law of Britain as a whole.

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[93] E. Coke: *Preface to Reports*, II, Preface, & III.
[94] See Flintoff: *op. cit.*, pp. 16f.
[95] W. Blackstone: *Commentary on the Laws of England* (1765f), University Press, Chicago, 1979 rep., I p. 95.

Around B.C. 850, Homer knew of tin – and of the Cimmer-ians – at what he called the "frontiers of the World." By 800 B.C., Carthage was trading not just with Spain, but also with Britain.

Perhaps around 510 B.C., the Cornish King Dunvallo Moelmud wore a crown of gold and "established among the Britons the laws that were called the Molmutine Laws, which even today are celebrated amongst the English." Thus the mediaeval Welsh Scholar Geoffrey Arthur of Monmouth[96] – in an A.D. 1138 translation of an old Brythonic manuscript.

Moelmud (records Geoffrey) "ordained that the temples of God and the cities should enjoy such privileges as that, in case any runaway or guilty man should take refuge therein, he should depart thence.... He ordained that the roads...should be held inviolable.... In his days, the knife of the cut-throat was blunted and the cruelties of the robber ceased in the land."

Moelmud died during the fifth century (B.C.). Then, adds Geoffrey, Moelmud's son "Beli[n]...confirmed the Laws...and commanded that even and steadfast justice should be done throughout the realm.... The cities and the highways...he dedicated...with all honour and dignity, and proclaimed it as of his **Common Law** that condign punishment should be inflicted on any that do violence."

Foreign visitors to Ancient Britain – such as the B.C. 530 Phoenician Admiral Himilco – remarked that the Britons near the "Sacred Isle" [of Ireland?] were "skilful in art" and "busy in trade." Also the B.C. 495 Greek geographer Hecataeus admired the Britons' own "sacred city" and temple – "where God," he wrote, "is praised" on golden harps. Could that have been at Stonehenge?!

By 450 B.C., Herodotus was chronicling the westward migrations of both Cimmer-ians and Scyth-ians. By 350 B.C., Aristotle was mentioning Britain. In 330 B.C., the Greek Pytheas of Massilia (alias the later Marseilles) travelled around Britain on foot. Indeed, around 300 B.C., Dionysius Perieegeetees described voyages to the "sacred" isle to the west of Europe.

Around 150 B.C., the Greek historian Polybius admiringly wrote of Britain's soldiers and their elegant appearance. By 80 B.C., the Belgae had settled and built farms in Southeast Britain. Then, in 60 B.C., the Greek historian Diodorus Siculus praised the very many accomplishments of the Britons (and of the Irish) – including their chariots, for which they were famed throughout Europe.

The Druids as Judges in Ancient British Common Law before Christ

At that time, the Britons also had powerful fleets. In 56 B.C., Julius Caesar mentions[97] his having engaged the combined fleets of the Britons and the Veneti (a kindred Celtic nation inhabiting the western coast of Gaul). Caesar states that the

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[96] Geoffrey Arthur of Monmouth: *History of the Kings of Britain*, II:17 to III:5.
[97] J. Caesar: *Gallic Wars*, III:13.

Celtic maritme vessels were built of oaken planks so firmly constructed that the 'beaks' of the Roman ships could scarcely make any impression on them.

As the A.D. 1765f Sir William Blackstone observed:[98] "**With regard to the antient Britons**, from Caesar's [55f B.C.] account of the **tenets and discipline of the antient druids** (in Gaul), in whom centred all the learning of these western parts, and who were, as he [Caesar] tells us, **sent over to Britain...to be instructed** – we may collect a few points which bear a **great affinity** and resemblance to some of the **modern doctrines of our English Law**. Particularly the very notion itself of an oral unwritten law, delivered down from age to age by custom..., seems derived from the practice of the druids who never committed any of their instructions to writing.

"It is remarkable that in all the [**legal**] antiquities unquestionably British [meaning Celto-Brythonic]...there is not in any of them the least trace of any character or letter to be found. The partible quality also of lands by the custom of *gavelkind*, which still obtains in many parts of England (and did universally over Wales)...is undoubtedly of British origin.... So likewise is the antient division of the goods of an intestate between his widow and children or next of kin.... We may also remember...the same custom has continued from Caesar's time [55f B.C.] to the present [1765 A.D.] – that of destroying a woman guilty of the crime of...killing her husband." Thus Blackstone.

So, around 55 B.C., even Julius Caesar commented on the religious laws and the morality of Britain's druids – and also on the excellent army and formidable navy of the Ancient Britons. Strabo, around 20 B.C., described how the Britons traded their corn and cattle and iron on the Continent. Indeed, according to both Spenser and Shakespeare – following the *Ancient British Triads* and other Early-Welsh sources – the British King Cymbeline (around 15 A.D.) was still upholding the ancient Mulmutine Laws of Dunvallo Moelmud.

Later, at the end of the first century A.D., the pagan Romans Suetonius and Pliny and especially Tacitus all described Britain's culture (just before their own times). The A.D. 100f Suetonius describes the Pagan Roman Emperor Claudius's hatred of (Ancient Brythonic) Druidism and his invasion of Britain – some ten years after Christ sent forth His holy Apostles unto the uttermost part of the World right after His own ascension. The A.D. 102f Pliny discusses Druidism in detail (as had Julius Caesar before him). Indeed, the A.D. 98f Tacitus does likewise – and also implies that the British noblewoman Pomponia had become a Christian in Britain, before the Romans invaded it in 43 A.D.

Before then, as the Englishman Sir William Blackstone observed:[99] "The British as well as the Gallic druids committed all their laws...to memory.... It is said [also] of the primitive Saxons here [in Britain] as well as their brethren on the Continent, that *leges sola memoria et usu retinebant* ['they retained laws solely by memory and use']..... Our antient lawyers, and particularly [the 1470 A.D. English Lord Chief Justice Sir John] Fortescue (c. 17), insist with abundance of warmth that these customs are as old as the Primitive Britons – and continued down through the several mutations of government and inhabitants to the present time unchanged and unadulterated."

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[98] *Op. cit.*, IV pp. 401.
[99] *Op. cit.*, I, pp. 63f & 73.

Blackstone continues:[100] "An academic expounder of the laws...should be engaged...in tracing out the 'originals' and as it were the 'elements' of the law.... These originals should be traced to their fountains...., to the customs of the [Ancient] Britons and [Ancient] Germans, as recorded by Caesar [B.C. 58f] and Tacitus [A.D. 98f]...and more especially to those of our own Saxon princes" [A.D. 429f]. Indeed, in spite of a difference in their languages, the Ancient Britons and the Ancient Germans were kindred Japhethitic peoples.

Christian influences in Pre-Saxon Celto-Brythonic Common Law

Perhaps Clement of Rome (around 99 A.D.) and Justin Martyr (around 150f A.D.) are referring to Britain – in their respective mentions of the "West" and the "Isles" as then being christianized. Even the (731 A.D.) Anti-Brythonic Anglo-Saxon Roman Catholic Church Historian Bede concedes that the Celtic King Llew of Northern Britain (whom his contemporaries the Pagan Romans and later also the Roman Catholic Bede called 'Lucius') – proclaimed Christianity to be the official law of his lands, around 156 A.D. Indeed, by 196 A.D., the scholar Tertullian (the great African Christian) was claiming that Christianity then held sway even in the far north of Britain – also **beyond** the area then occupied by the Pagan Romans.

Sir William Blackstone[101] rightly observed that in Britain the "antient collection of unwritten maxims and customs which is called the 'Common Law'...had subsisted immemorially in this kingdom.... It was then taught...in the monasteries, in the universities, and in the families of the principal nobility. The Clergy in particular – as they then engrossed almost every other branch of learning – so (like their predecessors the British Druids)...were peculiarly remarkable for their proficiency in the study of the law.... The Judges therefore were usually created out of the sacred order."

Here, Blackstone is quite correct in suggesting that particularly the Early Brythonic Clergy perpetuated the teaching of Ancient Britain's Common Law – and of course also subjected it to the strong influence of Christianity. By 250 A.D., there were very many Christians in Britain. Indeed, after the Briton Constantine conquered the pagan Roman Empire (in 313 A.D.) – he started to give Christian laws also to imperial Rome and all her colonies (from about the year 321 onward).

For Christian Britain strenuously exerted herself also to **export** Christianity. Thus Ninian, the Cumbrian Briton, converted the Picts in what is now Scotland (around 396 A.D.) – even before the Roman garrisons withdrew from South Britain in 397f. At that time, the Christian Ancient Britons – once free from the Roman yoke – again resumed governing themselves. They did so, precisely under christianized British Common Law.

Around 425f A.D., also the Briton Padraig (alias St. Patrick) went overseas; converted the Irish; and then with the help of their ex-druids christianized and codified the ancient laws of kindred Ireland. Indeed, the process of developing a

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[100] *Ib*., I, p. 35.
[101] *Op. cit*., I p. 17.

Christian Common Law continued also in Britain – both before and even after the Saxon Invasions (especially from 449 onward).

Barrister-at-Law Owen Flintoff is very helpful here. For he traces the influence of Old Testament Israel upon the Celto-Brythons long before the Pagan Romans first invaded South Britain in 43 A.D. Indeed, he also outlines especially the influence of the New Testament Christian Church upon the Pre-Saxon and the Pre-Romish Celtic Britons – as well as upon the later Anglo-Saxons and the subsequent English (or rather the 'Anglo-Britons').

On Pre-Saxon Celto-British Law, Flintoff writes[102] that with regard to the Ancient Britons our knowledge must principally be derived from the Welsh laws founded upon their ancient customs and usages. From Julius Caesar's (55f B.C.) account of the tenets and discipline of the ancient druids in Gaul sent over to Britain to be instructed, one may see their great affinity and resemblance to some of the modern doctrines of English Law. The very notion of a oral unwritten law handed down from age to age merely by custom and tradition, seems derived from the practice of the druids who did not commit their instructions to writing.

In this Celto-British Common Law, continues Flintoff,[103] a witness had to swear to his own knowledge of facts – as opposed to hearsay. *Cf.* John 5:30-37. The husband and wife were one in the eye of the law. Genesis 2:24f *cf.* Malachi 2:14f. Thus they could not be required to bear evidence against one another. *Cf.* Deuteronomy 17:6. Also over against her own husband, the wife had a right to her own articles of dress and to dower (Exodus 21:7-10 *cf.* Genesis 16:3-9); except where she had committed adultery (Deuteronomy 22:22f).

The heir, having assets in his hands, was obliged to discharge the debts of his ancestor. *Cf.* Leviticus 25:10f *etc*. To such customs of the Ancient Britons is owed (in a great measure) the territorial organization also of modern Britain. *Cf.* Numbers 36:1f & Joshua chapters 13f. Indeed, in their tribunals and the tenures of their lands one observes the first indications of the present system.

A hamlet – in the Brythonic tongue *tref* (or 'family') – was the primary settlement of a British *sept* (alias a 'tribe'). Every ten families were under the control of an elder-of-ten (see Patrick's *Letter to Coroticus*). The districts were arranged into *commots* containing fifty, and into *cantreds* containing a hundred of these *trefs* for the purposes of judicature. *Cf.* Exodus 18:21f. The *Gor Sedd* alias 'Great Session' or Great Assembly of the nation was the highest tribunal at which national laws were framed.[104] *Cf.* Numbers 10:2-4 & Acts 15:2-4f.

Now in the earliest ages, the different inhabitants of the Earth were divided into families. Compare Genesis 10:5f & 11:9 with Deuteronomy 32:8. The representative in the highest degree of the common ancestor was the head of each, and to him allegiance was paid in respect of his person and hereditary descent. In the early Bardic time, the Britons possessed their lands as well as all their other rights in conjunction

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[102] *Op. cit.*, p. 128.
[103] *Ib.*, pp. 129f.
[104] *Ib.*, pp. 49f.

with their forming part of their family or clan. Each family with its connections, formed a separate community. At the head of each of these communities, was its hereditary chieftain called *pen-cenedl* [or 'headman of the hundred']. That community he represented at the *Gor Sedd* or 'Great Session' – alias the Ancient British Parliament.[105]

Custom and the family in ancient Celto-British Common Law

The members of the Brythonic communities were originally all of the same blood. They were all in the rank of freemen. Compensation was due to their relatives for injuries done to them, or if they were slain. *Cf.* Exodus 21:19-22f. Lepers were considered as if dead (*cf.* Leviticus 13:15f), so that their heirs accordingly succeeded to their possessions.[106]

Anciently, the lands of the Cymric Britons were dividable amongst the members of the same family – the eldest choosing his share first. Genesis 25:31f *cf.* 27:32f. The Welsh or Cambrian pedigrees, which have been preserved so carefully, were in fact the records and registers of title to each man's lands. There was also a community of lands among the Cymri, principally amongst the village or 'ville-ain' townships called *taeawgdref* – from *taeawg*, a ville-ain; and *tref*, a hamlet. *Cf.* 'the ville-age green.' Of such lands, no portion reverted to the king – nor could be alienated by the occupant. Nor did any of the ville-ains succeed thereto as heir.[107] *Cf.* Joshua 13:7f.

In 940-948 A.D., the Welsh *Gor Sedd* was convened by Hywel Dda alias the Welshman 'King Howell the Wise' for the rejuvenation of the Mulmutine Laws of Ancient Britain. There and then, a number of seven (alias six laymen and one clerk alias 'cleric') were summoned for each *commot* – twelve from each *cantred* – versed in the law and distinguished in station. Compare too the earlier seven stars or clergymen in the (Celtic!) Presbytery of Asia Minor in Revelation chapters one to three, and the twelve Apostles (and the later twelve jurymen) mentioned in Revelation chapter twenty-one.

The delegates to that 940-48 Welsh *Gor Sedd* repealed bad laws, amended others, and enacted new. The code thus prepared was afterwards confirmed by a second delegation. There, the parliamentary representatives had to be in full vigour of body and mind. *Cf.*: Deuteronomy 23:1f; *Welsh Law Triads*, 40 & 147.2; *Laws of Wales* IV.[108]

We must next note the considerable influence of Celto-Brythonic Common Law (as above) on the Anglo-Saxons after their A.D. 429f arrival in Christian Celtic Britain. Yet first – we should remember that, according to Genesis 10:1-5, the Ancient Britons (alias the ancestors of the Celto-Brythons) and the Ancient Germans (alias the ancestors of the Anglo-Saxons) were formerly both kindred Japhethites dwelling in the tents of Shem. Genesis 9:27.

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[105] *Ib.*, pp. 52f.
[106] *Ib.*, pp. 56f.
[107] *Ib.*, pp. 59f.
[108] *Ib.*, pp. 52-55f.

No doubt both groups underwent different degrees of deformation during Old Testament times. Yet by God's common grace, both still preserved and developed many good features in their Common Law. Indeed, by God's special revelation and later by His special grace – especially the Celto-Brythons were exposed to Biblical influences. These they later started communicating to their Anglo-Saxon cousins shortly after the latter themselves arrived in Britain from A.D. 429 onward.

As Sir William Blackstone has observed:[109] "The great variety of nations that successively broke in upon...the British inhabitants and constitution – the Romans [43f A.D.], the Picts [*circa* 400 A.D.], and after them the various clans of Saxons [449f] and Danes [800f] – must necessarily have caused great confusion. Several mutations of the Common Law were made....

"We can seldom pronounce that **this** custom was derived from the Britons; **that** was left behind by the Romans; **this** was a necessary precaution against the Picts; **that** was introduced by the Saxons.... Wherever this **can** be done – it is matter of great curiosity, and some **use**.... This uncertainty of the true origin of particular customs must also in part have arisen from the means whereby **Christianity** was propagated...in this Island.... This perhaps may partly have been the cause that we find...some rules of the **Mosaic**...laws blended and adopted into our system....

"The first ground and chief corner-stone of the Laws of England...is general immemorial custom or Common Law.... Wales has continued...in the primitive pastoral state which Caesar and Tacitus ascribe to Britain in general.... From the time of the hostile invasions of the Saxons..., the antient and Christian inhabitants of the island retired to those natural [Welsh] intrenchments for protection.... These [Saxon] invaders themselves were [later] converted to Christianity."[110] Thus Blackstone.

Influence of Christian Celto-British Common Law on that of the Anglo-Saxons

According to the A.D. 530f Christian Celto-Brythonic historian Gildas the Wise – as well as according to later Celto-Brythonic legal scholars (like Flintoff, Lewis, Wright, and Davies) – Christian Celtic-British Common Law early influenced the kindred Anglo-Saxon Common Law in England. This occurred, of course, **even before** the first Romish Missionaries started work among the Anglo-Jutes in Kent about A.D. 597. Let us briefly observe how.

The warlike Angles and Saxons and Jutes that came to Britain, even when all added together, never constituted anything even beginning to approach one-half of the population of the land. In time, while some of the numerically preponderant Celto-Brythons indeed became the nation now known as the Welsh – the rest of the Celto-Brythons, though then linguistically anglicized, did not become Anglo-Saxons.

Rather was it the de-brythonized **Celto-Britons** – slowly integrating together with the de-germanized **Anglo-Saxons** – who now became **Anglo-Britons**. For though

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[109] *Op. cit.*, IV p. 402.
[110] *Ib.*, I pp. 73 & 93f.

Angle-land now became Eng-land, Greater Britain as such did not become Ang-lish or even Eng-lish but still remained essentially British (albeit now largely Anglo-British).

Now the Germanic-language Anglo-Saxons who settled in Britain from the fifth century onward soon started calling the Celto-Brythons there *Waelsch* (or 'Welsh'). That Anglo-Saxon word means **Strangers** or **Foreigners** – and, by implication, those who had embraced the Proto-Protestantism then still alien to the Anglo-Saxons themselves. For the Germanic word *Waelsch* has the same meaning (of 'Stranger') as that often suggested for the Celtic word *Culdee*. That latter is the name previously given by the Celts themselves first to the foreign Proto-Protestant Christian Missionaries to Britain from Palestine, and then to their Celto-Brythonic converts in Britain.

The first Anglo-Saxons had therefore then quite probably perceived the Christian culture of the Celto-Brythons to be 'foreign' to their own Germanic traditions. Later, however, Christianity was propagated among the Anglo-Saxon ancestors of the English in Britain by learned Celto-Brythonic 'Welsh-men' and also by Iro-Gaelic Culdee 'foreigners' – who then undoubtedly transferred many of their own customs to the Anglo-Saxons. Thus Barrister Owen Flintoff.[111]

Those Celtic Culdees probably prevailed upon the Anglo-Saxon States in England to abrogate such of their usages as were inconsistent with the Christianity of the Celto-Brythons. No doubt those Celtic Culdees also prevailed upon the Anglo-Saxons in England to start practising many others usages, even from Celto-Brythonic customs, that were more conformable to Christianity than some of the Pre-Christian Anglo-Saxon customs had been.

Thus we find not only Brythonic Welsh Law but also Mosaic Law blended and adopted into the Anglo-British legal system. For example, Exodus chapters 21 to 23 – in the *Code* of the A.D. 880f Anglo-Briton King Alfred. Interestingly, the latter also adopted laws from the Old-Brythonic *Code of King Moelmud* – passed on to Alfred by his own Welsh mentor Asser.

Flintoff further explains[112] that the Anglo-Saxons in their territorial organization in Britain were naturally much influenced by the previous state of things amongst the Britons. Thus the Celto-Brythons maintained their ground, especially in the principal parts of England – alias the southwestern and western and northern parts of South Britain below the Solway – until after the close of the sixth century (and indeed almost till around 620 A.D.).

It was only on the eastern and southern coasts of South Britain, already occupied by German settlers since 429 onward, that the invaders went further than an alteration of name. Yet even in such cases, all the previous Celtic Common Law rights of the conquered Celto-Brythons – were simply transferred to the Anglo-Saxon conquerors.

This preservation of the former territorial organization and Common Law rights of the Celto-Brythons occurred particularly in the west of England (and also in South-

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[111] *Op. cit.*, p. 131.
[112] *Op. cit.* p. 83.

Cymbria or Cornwall and West-Cymbria or Wales) – and to the north, in Westmorland-Cumberland alias North-Cumbria and Northumberland. There, the Britons, when uniting with the Saxons, retained their rights. This was also the case on the border of Mercia in the western British Midlands.

In those quarters, the ancient boundaries of the Brythonic lordships or *maenawls* were less disturbed than elsewhere. Palgrave I:78. As the Saxons occupied the different districts of the Britons, they gave to that which was previously denominated *maenawl* the name of 'town' or 'township' – a word of their own language derived from *tynan* ('to inclose').[113]

In Pre-Romish Kent, the Anglo-Jutes absorbed much of the Law of the Pre-Jutish Celts, as the extant Kentish customs of *Gavelkind* and 'Borough-English' still attest. Too, the Anglo-Jutish King Ethelberht's wife Bertha brought some of the Salian Laws of the Teutonic Franks with her from those quarters. Consequently, even when the Roman Catholic Italian Missionary Austin arrived in Kent from Rome around 597 A.D., the (very minimal) legal impact of Romanism and especially of Roman Law on Kentish Law should never be exaggerated. A careful reading of Aethelberhrt's *Dooms* – the first Anglo-Saxon Code in England, and drawn up after Ethelberht's baptism at the beginning of the seventh century – will bear this out.

Anglo-Saxon 'Northumbria' – in which large numbers of Celto-Brythons remained resident especially on its border with Brythonic Cumberland and Westmorland – was evangelized almost exclusively by Proto-Protestant Celts from other parts of the British Isles. In 627 A.D., this resulted in the conversion of Northumbria's King Edwin. This soon further resulted also in the drawing up of Christian laws for his kingdom.

'Wessex' generally comprised the Isle of Wight, Hampshire and Dorsetshire – and later also large parts of Somersetshire, Devonshire and Gloucestershire. 'Mercia' embraced the greater part of Staffordshire, Derbyshire, Nottinghamshire, Warwickshire and Leicestershire. Both of especially the two Saxon Kingdoms Wessex and Mercia incorporated great numbers of Christian Celto-Brythons and their legal institutions.

As Barrister Flintoff observes,[114] the local constitutions of the ancient Anglo-British Kingdom of Mercia [*circa* 500f A.D.] – which obtained in the English counties nearest to Wales, and probably abounding with many Celto-Brythonic customs – were called the *Mercen Lage* or Mercian Law. Especially Mercia's Christian King Offa developed them, around A.D. 775. Offa's Laws, now lost, were used by Wessex's (880 A.D.) King Alfred – in his own *Dooms*. Indeed, the Mercian Laws were – about the beginning of the eleventh century – in use in different counties of the realm.

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[113] *Ib.*, p. 83.
[114] *Ib.*, 55-59 & 133f.

The Christianization of Anglo-Saxon Common Law

By 700 A.D., all of the Saxon Kingdoms in Southern Britain – Northumbria, Anglia, Norfolk, Suffolk, Kent, Essex, Sussex, Middlesex, Wessex and Mercia – had embraced Christianity. Thus Sir Winston Churchill. Throughout those areas, the Saxons were then also amalgamating with the large numbers of remaining Britons – to form the advancing 'Anglo-British' nation.

As Barrister Flintoff remarks,[115] in the year 685, Caedwalla of the royal race of the Gewissi conquered the Kingdom of Wessex. This Caedwalla is claimed by the Welsh as their King Cadwallader. Caedwalla is not a Saxon name. Alliances of the two nations took place during the long contests between them.

Moreover, Ina the successor of Caedwalla is identified by the Welsh with the Brythonic Chief Ivor. It is well-known that four Brythonic chiefs or lords of Somerset attended the court of Ina around 688 A.D.

More significantly yet. Much of the above is recorded in the (731 A.D.) *Ecclesiastical History* written by the Anglo-Saxon Roman Catholic Bede. Indeed, as already noted, the Germanic Anglo-Saxon Bede even implies that the Pre-Germanic and Celto-Brythonic Britain had adopted Christianity as its own national religion – by the time of the baptism of its King Llew in 156 A.D.

Now the Anglo-Saxons had brought with them from Germany their own nation's usages. See Tacitus's (98f A.D.) *Germania*. Indeed, even after their (429f A.D.) arrival in Britain, they continued to punish injuries of all kinds by certain settled fines or penalties. These differed in amount,[116] according to the circumstances.

Gradually, those Germanic Common Law usages developed further – under the influence of Celto-Brythonic Christian Common Law. Finally, the Anglo-Saxon Germanic Common Law got christianized in Britain. Thereafter it largely amalgamating with Celto-Brythonic Christian Common Law – as Anglo-British Christian Common Law.

Thus, injuries to property were then generally compensated by a payment from the wrongdoer to the party injured. *Cf.* Exodus 21:22f. As the penalty due on these occasions was considered not only in the light of compensation, but also as the punishment inflicted by a community – it was not lawful for it to be remitted.[117] Exodus 21:30 compare *Laws of Edmund* 3.

Again, any person present at the wilful death of anyone (but not trying to prevent it), was considered to be a partaker of the crime. *Cf.* Proverbs 24:11-12 & *Laws of Canute* 6. The crime of larceny, called by the Saxons *stale*, was not imputed – unless the larcenist was at least twelve years of age. *Cf.* Luke 2:42 & Genesis 17:25 with Exodus 12:3-37 & *Laws of Athelstan* 1.

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[115] *Ib.*, pp. 26f.
[116] Compare *Leg. Inae* 69 and *Leg. Athel.* 3.
[117] Flintoff: *op. cit.*, pp. 71f.

Great regard was paid to the character of a wife and the subjection she was supposed to be in to her husband. *Cf.* First Timothy 2:12f & Ephesians 5:22f. Consequently, whenever any stolen article was found in the house – and not manifestly in her separate custody – the law considered her as no party to the stealing. Genesis 31:26-37 compare *Laws of Ina* 58 and *Laws of Canute* 74.

False swearing was at first only punishable by a fine. *Laws of Ina* 12. But afterwards, perjurers were considered as no longer entitled to credit. *Cf.* Exodus 23:1f & Deuteronomy 19:16f. Therefore they were obliged to purge themselves – not by their own affirmation on oath, but by ordeal. Sometimes they were excommunicated. *Laws of Edward* 3; *Laws of Canute* 33; Glanvil II:19. The ordeal was considered to be a religious ceremony and an appeal to Heaven – such trials being called 'judgments of God.' Numbers 5:12-31 and the *Laws of Athelstan*.

After the Saxons had been converted to Christianity, their places of public worship came to be held in a reverence similar to that of the Jewish cities of refuge. *Cf.* Numbers chapter 35. They thus afforded protection to (unsentenced) persons suspected of crimes – suspects who escaped to them, whatever offence was alleged to have been committed (*Laws of Ina* 5) – until the allegations were proven. Then, the legal compensation was to be paid.

Thus, the (688 A.D.) *Laws of Ina* declare that the fugitive shall be protected as to his life, and make compensation as justice demands. *Cf.* Numbers ch. 35. A penalty was inflicted – for the violation of the sanctuary by evil treatment of anyone who had fled to its protection. *Laws of Alfred* 2. The Anglo-Saxons, at least in the southeast of England, might well have embraced Roman Catholic liturgy (until the time of the Protestant Reformation). Their system of law, however, more obviously reflected Biblical Christianity – even in Pre-Reformation times.

For, notwithstanding the veneration thus shown for the buildings of the Church – there seems to have been no immunity granted[118] to the Clergy simply for being Clergy. Indeed, if a Cleric committed homicide, he was degraded from his order [*cf.* James 3:1]. He then was also required to make the usual compensation – and/or to suffer punishment.[118] *Laws of Canute* 36-38. Thus Flintoff.

Celto-Brythonic frankpledge and *leet*-courts absorbed by the Anglo-Saxons

From the Celto-Brythons, maintains Flintoff, the Anglo-Saxons copied **frankpledge** – or surety pledged by groups of ten freemen. See: Ruth 4:2f *cf.* Exodus 18:12-21; *Ancient British Triads*; *Ancient Welsh Laws*.

This frankpledge was of two kinds. ***Freeborgh*** existed in cases where the lord was the permanent pledge or *borh* for his retainers. ***Tything*** was an association of the class of persons called *ceorls* (alias free commoners), all of whom were mutually pledged for the good and orderly conduct of each other. These *tythings* obtained their name

[118] *Ib*., pp. 75f.

from the number of 'ten' – being the smallest of which they could be composed.[119] *Cf.* Exodus 18:21 and the *Laws of Edgar* II:6 & III:1.

Sometimes it happened that a person charged with any crime had fled from justice – and his superior was unable by the oaths of himself and of five thanes or chiefs as his compurgators or forsworn sureties to clear himself from the imputation of having connived at the escape. Then he forfeited to the king the amount of the fine, and the fugitive became an outlaw. *Canute* II:28. Note the connection between this 'bail' and suretyship. Ruth 4:4f; Proverbs 6:1f; 11:15; 17:17f; 20:16; 22:26f; 27:13; *etc*.

The next of the Saxon territorial divisions, were the *tythings* – also called *decennaries* and *fribourgs* – and which derived their name from containing ten free families. At the head of every *tything* an officer presided who was called the 'head' of the *fribourg*. Compare the Celto-Brythonic *pen-deg* with the Hebrew 'ruler of ten' in Exodus 18:21f. See too the *Laws of Edward* 20. Every one of the free members was a security for the rest, pledging himself so that each would behave orderly and stand to the inquiries and awards of justice called **frankpledge**. If any of them fled from justice, the *tything* was allowed thirty-one days to produce him.

Most likely the Anglo-Saxon *tything* and *hundred* were derived from the Celto-Brythonic *cantreds* with their hundred *trefs* or families – although something of the same appears to have existed among the Saxons in their native seats in Germany. Tacitus: *Germania* 12. *Cf.* too Exodus 18:21 & Daniel 2:42 – and note also the ten fingers & the ten toes of all norm-al human beings *etc*.

Indeed, the British word *leet* – originally implying merely a tribe or an assembly of the people (from the word *lluodd* alias a throng or multitude) – was sometimes used as equivalent to a hundred. The hundred in the later (880f A.D.) Anglo-Danish period bore, north of the Trent, the name of *wapentake* – a name supposed to have owed its origin from and its mode of installation to that of the *Ealdorman* or 'Elder-man' or 'Alder-man.'

According to Barrister Flintoff,[120] the Saxon 'shires' originally appear to have been distinct Celto-Brythonic royalties, and to have been formed gradually as the different Saxon leaders won them from their former owners by conquest or by intermarriage. Other 'shires' seem to have been formed by placing one or more 'hundreds' or *wapentakes* under the government of a *jarl* alias an 'earl' or his deputy. See the *Laws of Edward the Confessor* 32.

Every township was the seignory of a lord. Like the Brythonic lord whom he superseded in most instances, the Saxon thane or chief had the right of trying actions arising within the township. Whilst the soil of the township was vested in one person – the jurisdiction over the tenants belonged wholly or partially to another. This probably arose from the Saxon intruder having allowed the former Brythonic chief to retain his land, but requiring the tenants to acknowledge the Saxon *thane* as their superior lord.

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[119] *Ib.*, pp. 79f.
[120] *Ib.*, pp. 87-90.

The tribunal of the Anglo-Saxon hundred was termed the *Folck-Mote*. Julius Caesar (in B.C. 60f) spoke positively of the judicial power exercised in the German 'hundred courts' and 'courts baron.' See his *Gallic Wars* II:22 and also Tacitus's *Germania* 13. Note that these were bicameral courts – the Lower House of the 'hundreds courts' and the Upper House of the 'courts baron.' *Cf.* Numbers 10:2-4.

Synthesis of Celto-Brythonic & Anglo-Saxon Laws into Anglo-British Common Law

In addition, adds Flintoff, there was also the Anglo-British National Assembly. Meetings thereof were tribunals of the nation. Compare Tacitus's *Germania* 11f. In this custom, brought into Britain by the Anglo-Saxons – and blending with the usages of the Great Brythonic Assembly called the *Gor Sedd* – we see the origin of the *Witena-Gemot* of the Anglo-Britons.[121] Though bicameral, it was still only one Parliament. See: Numbers 10:2-4 *cf.* Acts 15:2-4.

At this *Witena-Gemot*, the Cymric or Welsh 'under-kings' – who, though bound by fealty to the Anglo-British sceptre, yet maintained in their own counties an independent rule – attended as the 'vassals' of the Saxon king. One of the latter's principal titles was that of the *Brytenwealda* or *Bretwalda* – alias 'Emperor of Britain' (or the 'Superior of the British Sceptres'). This corresponded very closely to the modern title of 'Prince of Wales' (alias Leader of the Britons). Originally, both titles were assumed for the purpose of reconciling the people's national love of independence. At the *Witenagemot*, the Celto-Brythonic lords sat amongst the Anglo-Saxon peers of the realm – as 'the House of Lords.'

The *Witena-Gemot* was the only superior Court of Justice in the kingdom. It indeed took cognizance both of civil and ecclesiastical causes. It formed the foundation of the English Constitution – represented by the king, the lords spiritual and temporal, and the commons.

In earlier times, the homage of the Saxon vassal was performed in the high place of religious worship – by placing his hands between those of his lord. *Cf.* Genesis 24:2-9. He then repeated these words: 'By the God for Whom this House is consecrated, I vow to be faithful and true to thee and to love what thou lovest and to shun what thou shunnest – conformably to the Laws of God and man.'[122]

The houseless *ceorl* or free commoner had to find a master who would allow him to be a member of his family. This relationship arose in some instances from mere permissive hospitality, a custom derived from the Christian Brythonic Celts. Among other British customs retained amongst the *ceorls*, was the important one that a person of this class might rise to the rank of a *thane* or chief.

This principle shows the spirit of freedom which prevailed from the earliest times of Celto-Brythonic and Anglo-Saxon history – and that the ville-ains [alias vill-agers or towns-men] were by no means a 'contemned' class . We find the same principle

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[121] *Ib.*, pp. 93f.
[122] *Ib.*, pp. 101f.

carried out in the noble fabric of the modern *British Constitution* raised up upon these ancient customs – according to which the humblest of the community may obtain the highest honours of the State. However, only home-owners had real political power.

This is not to say that there was no slavery whatsoever in Anglo-British Christian Common Law. Regardless of the widespread modern dislike of the term, 'slavery' is nevertheless an inescapable fact of life – whether that of the 'house-bound' hus-band in marriage (*cf.* First Corinthians 7:4); whether that of the bankrupt borrower (*cf.* Exodus 21:1-11); or whether that of the vanquished infidel (Deuteronomy 20:10-14).

As to the slave under Anglo-British Common Law, according to Barrister Flintoff[123] his kinsman might redeem him [*cf.* Ruth 4:4f] within twelve months [*cf.* Deuteronomy 24:5]. But if they refused this office of kindness, he then became a slave. The same thing resulted from the inability of a debtor to discharge his obligations. Exodus 21:2f & 22:3 *cf.* Deuteronomy 24:10 *etc*.

The Anglo-British Code of Alfred in Wessex and of the Anglo-Danes

In 825 A.D., the Celto-Brythonic Christian Nenni wrote his *History of the Britons*. There, he traced their origin from the remotest Pre-Christian times. Very significantly, Nenni identifies the Japhethetic Magogites with the ancient Scyths and also with the later Iro-Scots – and his own Cymri with the Japhethitic Gomerites. Genesis 9:27 & 10:2 *cf.* Colossians 3:11.

Around 860f, the Danes invaded Britain. Wessex's Anglo-British 'Good King Alfred' stoutly resisted them. Then, in 880f, he published his own Christian Anglo-British Laws.

It was the great Welsh scholar Asser who had translated the Ancient Brythonic Laws of (the 510f B.C.) King Dunvallo Moelmud for the Anglo-British Christian King Alfred of Wessex in Southern England. Such Ancient Brythonic Laws were then updated by 'Good King Alfred' around 880f A.D., and incorporated into his own Anglo-British Common Law.

Indeed, the Christian Welsh scholar Geoffrey Arthur made a shrewd observation[124] (in 1138 A.D.) regarding the (*circa* 510f B.C.) "**Common Law**" of Dunvallo Molmutius and his descendant Belin. Remarked Geoffrey: "If any would known all of his ordinances..., let him read the Molmutine Laws that Gildas the Historian [530 A.D.] did translate out of the British into Latin – and [the 880 A.D.] King Alfred out of Latin into the English tongue."

Alfred's Anglo-British Laws incorporated not only the (510f B.C.) Mulmutine Laws but also (almost *verbatim*) Exodus chapters 20 to 23, Matthew 5, and Acts 15 – into the Law of Wessex and thus later into English Law. Into the same Law of Wessex, Alfred also incorporated the Laws of his illustrious predecessors Ethelbryte

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[123] *Ib.*, p. 106.
[124] *Op. cit.*, II:17 to III:15.

(or Ethelbehrt) of Kent, Ina of Wessex, and Offa of Mercia. Alfred then proceeded to update all of this – in his own judicial laws, for his own day and age.

He then converted the Anglo-Dane, King Guthrum, to Christianity. Thereafter, the two of them together then draw up the Christian Laws of Alfred and Guthrum. Subsequently, after Alfred's death, his legislative work was continued from 899 onward – by his son Edward the Elder. Indeed, the latter also issued his own Christian Anglo-British Laws.

As Sir William Blackstone has observed,[125] we must not sacrifice Britain's [880f A.D.] Alfred and her [899f A.D.] Edward – to the dead spirits of Roman Law's Theodosius and Justinian. We must not prefer the Edict of the Pre-Christian pagan Roman Praetor or the rescript of the Post-Christian and syncretistic Roman Emperor – to Britain's immemorial customs or to the sanctions of an English Parliament. Nor may we prefer the despotic monarchy of Roman-Catholic Rome and Greek-Orthodox Byzantium – to the *Constitution* of Free Britain.

Barrister Flintoff explains[126] that when King Alfred succeeded to the monarchy of England, of which his grandfather Egbert was the founder – his mighty genius prompted him to undertake a most great and necessary work. Like a greater Theodosius, Alfred collected the various customs he found dispersed in the kingdom – and reduced and digested them into one uniform system or code of laws called the *West-Saxon Lage* (or the 'Wessex Law'). This he did in his *Dom-Boc* – alias his 'Book of Dooms' (or 'Book of Deemings'). This obtained great authority during several reigns. In a law made by King Athelstan, it is referred to as an authoritative guide. See the *Laws of Athelstan* 5.

Anglo-British Codes from Athelstan to Edward the Confessor

The ongoing codification of Anglo-British Common Law was continued by Alfred's grandson King Athelstan in A.D. 925. This was then soon followed by the codification of Welsh Common Law by the Christian Prince Hywel Dda. The latter codified the Mulmutine Celto-Brythonic Laws of (the *circa* 510f B.C.) King Dunvallo Moelmud, and other Cymric customs, including those derived from the Proto-Protestant Culdees.

Later, Welsh Common Law and English Common Law were largely amalgamated – under the Anglo-Welsh Tudor Kings Henry VII (1485-1509) and Henry VIII (1509-47). This Common Law was then (re)protestantized under the later Tudors, *viz.* the Calvinistic King Edward VI (1547-55) and the High-Protestant Queen Elizabeth I (1558-1602). Indeed, it was further puritanized during the Stuart reigns of James I (1603-25) and Charles I (1625-49) – and especially at the time of the Westminster Assembly (1643-52).

Now there had been constant Danish invasions from 860 through 1035 A.D. Indeed, even the 1066 invasion of the Norman Nor(se)men was to some extent but a

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[125] *Op. cit.*, I p. 5.
[126] *Op. cit.*, p. 132.

new version thereof. Yet, as Barrister Flintoff indicates,[127] a plan so excellently conceived by Alfred in his codification of Anglo-British Law (in 880f A.D.) – could never be left thrown aside for very long. Upon the expulsion of the Danish intruders in 1035f A.D., the Anglo-Britons returned to their Ancient Law.

They then retained, however, some few of the customs of their late visitants which went under the name of *Dane Lage* (or 'Danish Law'). Thus, the Biblical Laws of the (995f A.D.) Anglo-Danish King Knut (alias the great Christian King Canute) on tithing – and on legal accountability at puberty – were retained. See the *Laws of Canute*, 2:20-21 & 11; *cf.* Matthew 23:23 & Luke 2:40-42f.

Alfred's development of Anglo-British Common Law was continued by the Christian-Saxon Laws of the 940f King Edmund and the 959f King Edgar. This process was completed by his grandson King Edward the Confessor (around 1060f A.D.) – as one uniform digest or body of laws to be observed throughout the whole kingdom. It was probably no more than a revival of King Alfred's Anglo-British *Christian Code* – with some improvements suggested by necessity and experience.

Such latter involved particularly the incorporation of more of the Christian Celto-Brythonic (or rather Mercian) and Anglo-British customs – and also such of the Anglo-Danish laws as were reasonable and approved, in the expanded *West-Saxon Lage*. The latter was still the groundwork of the whole.

This appears to be the best supported and most plausible conjecture of the origin and rise of that admirable system of maxims which is now known by the name of the **Common Law**. It extended its authority universally over all the realm. It is doubtless of Saxon and, remotely, also of British parentage.[128] So too Sir William Blackstone.

It was the (1060f A.D.) last Anglo-British king, Edward the Confessor, who settled English Common Law. This, Barrister Flintoff summarizes admirably.

As he explains,[129] among the most remarkable of the Saxon laws we may reckon the constitution of Parliaments, or rather General Assemblies of the principal and wisest men in the nation (*cf.* Numbers 10:2-4 & Acts 15:2-4f) – the *Wittena-Gemote*. Next, there was the election of their magistrates by the people (Deuteronomy 1:13f *cf.* Acts 1:16-23 & 6:3). Then, there was also the descent of the crown (Deuteronomy 17:14-20 *cf.* Psalm 72:1f & Proverbs 31:1f).

Further, continues Flintoff, there was also for the first offence a fine or *wer-gild* [alias 'human money' *cf.* Exodus 21:22-30] – or, in default of payment, then bondage (Exodus 22:3 *cf.* 21:2). Again, there was a prevalence of certain customs which much resembled the feudal constitution but yet were exempt from all its rigorous hardships and which appear to have existed amongst the Pre-Saxon Celto-Britons before it got into the hands of (the 1066f A.D.) Norman jurists who extracted the most slavish doctrines and oppressive consequences out of what was originally intended as a 'law of liberty.' *Cf.* James 1:25 & 2:8-12.

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[127] *Ib.*, p. 113.
[128] *Ib.*, pp. 133f.
[129] *Ib.*, pp. 134f.

In addition, adds Flintoff, there was the descent of their lands to all males equally (*cf.* Genesis 48:2-5f & 49:1f; Numbers 27:1-11; Luke 15:11f; Second Corinthians 12:14]). This was a custom which obtained previously among the Celto-Brythons and continued among the Anglo-Britons till the Norman Conquest. Also, the courts of justice consisted principally of the county courts (*cf.* Exodus 18:21f). In cases of weight or necessity, the King's court was held before himself in person – at the time of his parliaments according as he kept the three great festivals of Christmas, Easter and Whitsuntide. Exodus 23:17f; Deuteronomy 16:18f; 17:2-9; 19:12; Acts 2:1f; 15:2f.

Trials were permitted to be by ordeal; by the *cornfed* or morsel of execration; or by 'wager of law' with compurgators if the party chose it. *Cf.* Numbers 5:12-31. Yet frequently, they were also by jury. Numbers 1:4f; 10:4; Luke 6:13. For that was and is the most important guardian both of public and private liberty.

William the Conqueror and the development of Anglo-Norman Law

We now come to William the Conqueror, 1066f A.D. He was the first Nor[se]man King of England – and made a major contribution to English Law. The Norman, at the head of his native followers of Norsemen living in France – and also numbers of people there from Celtic Brittany (being the descendants of those Britons who had emigrated after the A.D. 449f invasion of the Saxons) – now made a landing in Britain.

This injected more Celto-British elements from French Brittany **back** into British Common Law. It also augmented the Scandinavian (Anglo-Danish) contribution – *via* the Norman Norsemen from France. It somewhat increased the Romish influences in England, but less so those of the papacy. Yet even William the Conqueror himself – one of the very greatest of the many successive kings of England – downplayed the papal factor. Indeed, he even much strengthened the native Anglo-Saxon Common Law in his own new realm.[130]

William the Conqueror ascended the English throne in 1066 A.D., claiming it as of right from the (1060f A.D.) will of the last Anglo-British king (Edward the Confessor). **William solemnly swore that he would observe the ancient and approved laws of the kingdom, particularly those of Edward the Confessor**.

Subsequently to this, it was solemnly ordained in a General Council that the laws of that Edward, together with such alterations as William the Conqueror himself had made, should in all things be observed. See the *Laws of William the Conqueror* 63. Thus we see that the system of Anglo-British jurisprudence was confirmed as the Law of England. Also thenceforth – it continued to form the basis of the Common Law.[131]

In 1085, William the Conqueror drew up his *Domes-day Book* of 'deem-ings' – regulating political representation throughout England according to a property franchise. As Barrister Flintoff explains,[132] it is a difficult problem to determine by

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[130] *Ib*., pp. 115 & 134f.
[131] *Ib*., pp. 134f.
[132] *Ib*., pp. 220f.

exactly what class of persons the electoral franchise in ancient boroughs was originally possessed. The burgesses of William the Conqueror's *Domes-day Book* were inhabitants of tenements within the borough. This implies a qualified franchise for property-owners alone.

After William the Conqueror, there was some retrogression. William Rufus the son of William the Conqueror, while proceeding on his father's plan, in some points extended it in a somewhat tyrannical way. Fortunately, however, his brother and successor Henry the First (1100-1135) then found it expedient to ingratiate himself with the people. He did so, by restoring the laws of the last Anglo-British king (the 1060f Edward the Confessor). He also abolished the hated curfew.[133]

While the Norman King Henry the First (1100-35 A.D.) was restoring the Christian Anglo-British laws, several important histories of Ancient Britain were being written. These incorporated the earlier Brythonic histories of (the 530 A.D.) Gildas, of the (825 A.D.) Nenni, and Hywel Dda's (940 A.D.) codification of the (*circa* 510f B.C.) Ancient Mulmutine Law of the Old-Brythonic King Dunvallo Moelmud. Indeed, all of these earlier works still seem to be reflected in the mediaeval histories of Britain then being written – by Geoffrey Arthur of Monmouth; by Henry of Huntingdon; and by William of Malmesbury.

In the 1135-54 reign of the real Romanist King Stephen, there was much turmoil. Stephen was born in France, the Norman son of the Count of Blois. After growing up (also in France), he found himself married off to the daughter of the French Count of Bologne. However, in 1127 Stephen swore fealty to Matilda (the heiress and daughter of his uncle the Norman King Henry I of England).

On the latter's death in 1135, Stephen treacherously hastened to London. There he whipped up support for himself – and managed to get himself proclaimed king of England. Needing yet further support, he papistically got the pope to ratify Stephen's previous coronation (*sic*). In return, the sycophant Stephen made unprecedented concessions to the Church of Rome – especially as regards its control over the realm of England.[134]

In the long run, this mercifully produced an antipapal and a constitutional backlash – at *Magna Carta* in 1215. In the short run, however, several retrograde alterations to the *English Constitution* would first occur.

Among the first of these alterations, was the separation of the ecclesiastical courts from the civil. This was effected in order to ingratiate the new king with the popish clergy. They, for quite some time, had been endeavouring all over Europe to exempt themselves from the 'secular' power – and to fill all of the leading ecclesiastical offices everywhere with Italian and Norman prelates. *Per contra*, however, Acts 6:1-6 (where **Greek**-speaking Hebrew Christian deacons were appointed to serve **Greek**-speaking Hebrew Christian widows).

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[133] *Ib.*, p. 143.
[134] See art. *Stephen*, in *New Illustrated Columbia Encyclopedia*, 21:6477f.

Another violent alteration of the *English Constitution*, consisted in the depopulation of whole counties – for the purposes of the king's royal diversions. The purpose was to subject both them and all the ancient forests of the kingdom to the unreasonable severities of forest laws imported from the European Continent. Thereby the slaughter of a beast was made almost as penal as the death of a man. *Per contra*, however, Luke 13:15f.

A third alteration in the laws of England was effected by narrowing the remedial influence of the county courts. Such were the great seats of Anglo-British justice. This 'narrowing' was achieved by extending the original jurisdiction of the king's justiciars to all kinds of causes. *Per contra*, however, Deuteronomy 17:3-9 & First Samuel 8:5-22.

A fourth innovation was the introduction of trial by combat – with Norman trial by combat deciding all civil and criminal questions of fact in the last resort. This was not only 'unbritish' but also a highly immoral practice. It was clearly unchristian, as well as both 'untheonomic' and uncertain. See Exodus 21:12f.

The last and most important alteration in both civil and military polity, was the engrafting on all landed estates (a few only excepted) of the fiction of feudal tenure. That was the fiction that all the lands in England were derived from and held mediately or immediately from the crown. *Per contra*, however, First Kings 21:2-25.

Yet however slowly, England's Normans were now becoming Anglo-Normans. Nevertheless, even the Anglo-Normans still tended to tilt Anglo-British constitutional government somewhat away from its strongly Biblical basis. For they propelled it – though unsuccessfully so – toward romanization, totalitarianism, centralism and tyranny. This remained the case – until *Magna Carta*.

British Common Law and the road to *Magna Carta*

The nation at this period, remarks Flintoff, seems to have groaned under a slavery imported from Rome. For the first time, there was a whole *farrago* of superstitious novelties which had been engendered by the blindness and corruption of the times. These included transubstantiation, purgatory, communion in one kind, and the worship of saints and images – not forgetting the universal supremacy and dogmatic 'infallibility' of the 'holy see' at Rome.

Again, the laws (as well as the prayers) were administered in an unknown tongue – Latin. The ancient trial by jury gave way to an impious decision by battle. The new royal forest laws totally restrained all rival pleasures. Cities and towns were subjected to fire, and candles were ordered to be extinguished by eight o'clock at night – at the sound of the melancholy curfew. The ultimate property, of all kinds – and a considerable share of the present profits – were vested in the king (or by him granted out to his Norman favourites).[135]

[135] Flintoff: *op. cit.*, p. 142.

How history tends to repeat itself! For much of our own situation today – under the ever-increasing tyranny of twentieth-century centralism and socialism – looks all too similar. However, the widespread recent collapse of communism (alias the most centralized form of consistent socialism) shows that such slavery is not to be accepted as irreversible. For there is indeed bright hope for the future – **if** the suffering masses of mankind would **now** turn to the liberty of Christianity.

Toward the end of the Middle Ages in Norman England, there was some such improvement – immediately after the reign of King Stephen. From 1154 onward, King Henry II did try to harmonize the Anglo-British Laws and the Anglo-Norman Laws – and develop a Pan-English Law.

By the time of Henry II [1154-1189], much had been done to methodize the laws. There were things which then peculiarly merited attention. Such include the *Constitution of the Parliament at Clarendon,* A.D.1164, whereby the king checked the power of the pope and his clergy *etc*.[136]

Indeed, by 1176 – England's Lord Chief Justice Glanvil was limiting the scope of Canon Law in England to ecclesiastical matters alone. Also the ancient right of trial by jury was re-affirmed and entrenched. Obviously, this could not but help promote specifically the Common Law of the land.

The *Encyclopaedia Britannica* observes[137] that the extraordinary deference paid to precedents is the source of the most striking peculiarities of the English Common Law. Yet the rigid adherence of the Common Law Courts to established precedent caused the rise of an independent tribunal administering justice on equitable principles. This was the Tribunal of the Chancellor – the Court of Chancery. At the same time, to meet the changing circumstances, Common Law judges showed extraordinary ingenuity in extending the scope of the 'original' writs with which a Common Law action began.

From 1189 onward, the Anglo-Norman King Richard *Coeur de Lion* ("the Lion-Hearted") pioneered English Statute Law. As Barrister-at-Law Flintoff observes,[138] Statute Law or England's *Lex Scripta* dates its rise from the time of Richard I [1189-1199]. However, though then begun, English Statute Law hardly developed during Richard's time. For that king's thoughts were taken up chiefly by the knight errantry of a Crusade against the Saracens in the Holy Land.

So law and order then broke down – under the regency of his brother Prince John – during Richard's own absence from Britain in Palestine and elsewhere. Consequently, it was easy for England then to relapse into Neo-Norman tyranny – especially after Richard's death, when the Neo-Norman Romanist John himself finally became king in 1199.

Of King John's many errors, his three greatest (after that of offending God) were: first, oppressing the common people; second, alienating the barons; and third, seeking

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[136] *Ib.,* pp. 143f.
[137] Art. on *Common Law*; in *Encyc. Brit.,* 14th ed., 6:123.
[138] *Op. cit.* pp. 182f.

to donate England to the pope. The latter's 1215f *Lateran Council* embraced transubstantiation. It would soon, at John's request, also repudiate Britain's *Magna Carta*.

The developments in Britain, however, were swift and effective. After a showdown against King John, the Barons and the People of England had their Common Law rights restored and now also writtenly secured. This was effected by the 1215f documents known as *Magna Carta* and *Carta de Foresta*.

Magna Carta – the Bulwark of Britain's Common Law Liberties

King John [1199-1216] – and afterwards also his son Henry III – were forced to consent to two famous charters of English liberties, *Magna Carta* and *Carta de Foresta*. The latter was well calculated to redress many grievances and encroachments of the crown in the exertion of forest law. The former is so famous it should not need much discussion at this point of our dissertation. However, we here give Barrister Flintoff's short summary[139] of its legal importance.

Magna Carta confirmed many of the liberties of the Church, and redressed many grievances incidental to feudal tenures. Care was also taken therein to protect the subject against other oppressions then frequently arising from unreasonable amercement, from illegal distresses, or other process for debts or services due to the crown, and from the tyrannical abuse of the prerogative of purveyance and pre-emption. It fixed the forfeiture of lands for felony; and prohibited for the future the grants of exclusive fisheries and the erection of new bridges so as to oppress the neighbourhood. It established the testamentary power of the subject over part of his personal estate – the rest being distributed among his wife and children. It also laid down the law of dower.

It enjoined uniformity of weights and measures, and gave new encouragements to commerce by the protection of merchant strangers. It prohibited all denials or delays in the administration of justice. It fixed the Court of Common Pleas at Westminster, and directed that assizes be taken in the proper counties. It protected every individual of the nation in the free enjoyment of his life, his liberty and his property – unless declared to be forfeited by the judgment of his peers (in terms of trial by jury) or the law of the land (in terms of judicial sentence) by due process of law.

King Edward the First as "England's Justinian"

There was a further giant step forward in the development of English Common Law – from 1272 onward. Then, Edward I – 'the English Justinian' – confirmed the Christian Common Law of England. He also vigorously promoted the further development of Parliament in general and (from 1295 onward) of the House of Commons in particular. Thus the representative government of Early Anglo-British

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[139] *Ib.*, pp. 182-85.

Common Law – later eclipsed by Norman and Romish absolutism – was now not only restored but also improved.[140]

Edward the First [1272-1307] has justly been styled the 'English Justinian.' For he confirmed and settled the previous *Great Charter* and the *Charter of Forests* (of 1215 A.D.). He gave a mortal wound to the encroachment of the pope and his clergy, by limiting and establishing the courts of highest jurisdiction. He defined the limits of the several temporal courts of the highest jurisdiction. He settled the boundaries of the inferior courts – in counties, hundreds and manors. He secured the property of the subject, by abolishing all arbitrary taxes. He guarded the common justice of the kingdom from abuses.[141] Thus Flintoff.

From the exact observance of *Magna Carta* (in 1272f A.D.), rather than from its (1215f A.D.) previous enactment in the days of his grandfather – the liberty of Englishmen again began to rear its head in the days of Edward I.. No better proof of the excellence of his constitutions could be given than that, from his time to that of Henry VIII (1509-1547), there were very few (and only rather unimportant) alterations in the legal forms of proceedings.

The fulfilment of Daniel 12:7-12f from Wycliffe to Westminster

King Edward the First's magnification of *Magna Carta* in 1272f bore rich fruits within just decades later. One of the important developments took place during the reign of Edward III from 1327 through 1377. After the great plague of the 'Black Death' had ravaged first Asia, then Europe, and finally Britain – Edward III and John Wycliffe rose against the papal tyranny.

Edward strengthened Parliament against the papacy, and Wycliffe exalted the sufficiency of Scripture against the ecclesiastical hierarchy. Indeed, we ourselves think this occurred in fulfilment of Biblical predictions. Daniel 12:7-12 *cf.* Revelation 14:6-9f. For Britain's Wycliffe in 1360f (= A.D. 70 + 1290 day-years) – and then the Wycliffe-ites in Huss's Bohemia in 1405f (= A.D. 70 + 1335 day-years) – denounced the papacy's politics and its idolatrous doctrine of transubstantiation.

Then, some time after Wycliffe's Lollards had temporarily been checked at the beginning of the fifteenth century, the Welshman Henry VII became the first Tudor King of England. His son, Henry VIII (1509f), promoted the Union of England and Wales under the amalgamation of English and Welsh Common Law. Indeed, in 1517f, the views of the Englishman Wycliffe – *via* the Bohemian Hussites and their influence on the later Martin Luther – resulted in the Great Protestant Reformation. Soon these Wycliffite views would return to Britain, and further influence English Law.

This brings us to the third period of statutory history, *viz.* the religious Reformation under Henry VIII [1509-1547] and his children. Now the power previously usurped by the pope was for ever routed and destroyed.

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[140] *Ib.*, p. 215.
[141] *Ib.*, p. 185.

Henry VIII gave a remarkable proof that no part of the Kingdom subject to England's laws of parliamentary burdens, ought to lack its representation. For he extended the right of election to the whole of Wales. The incorporation of Wales with England, claims Barrister Owen Flintoff, will ever make the administration of Henry VIII a very distinguished era in the annals of juridical history.[142] Indeed, after breaking with the Romish Church and its Papacy in 1533, Henry VIII proceeded to establish the Reformed Faith even in Ireland.

During the short reign of Henry's son the young calvinistic King Edward VI (1547-1553), his Regent – Lord Somerset – closely corresponded with John Calvin. However, during the subsequent bloody reign of Mary (1553-1558), Romanism was restored to favour. But in the succeeding reign of Elizabeth the First (1558-1602), it was again driven from power – and the Protestant religion re-established even in Ireland.[143]

Queen Elizabeth I (1558-1602) was, in general, a wise and excellent ruler beloved by her people. During her days, trade flourished and riches increased. The laws were duly administered; the nation was respected abroad; and the people were happy at home.[144]

The reign of Elizabeth Tudor was followed by that of the Stuart James VI of Scotland – who now also became James I of England. The 1603-1625 rule of James I gave Britain her greatest treasure: the Authorised Version of the English Bible. Yet his intransigent Anglicanism and increasing Arminianism – and especially his commitment to the theory of 'the divine right of kings' – led to a large Pilgrim and Puritan exodus from Britain first to Holland and thence later also to North America. However, they took with them both British Common Law – as well as the *Geneva Bible* influenced by Calvin and Knox.

U.S. Law rests chiefly on Biblical Anglo-British Common Law. As University of Pennsylvania Law Professor Dr. Francis S. Philbrick points out in an article in the *Encyclopaedia Britannica*,[145] the Colonists brought the Common Law with them to America – as their very own birthright. Along with English political traditions and precedents, that Common Law was transported across the Atlantic together with its concepts of property, liberty and justice – and together with such of its rules as fitted colonial conditions. Half a dozen of the American Colonies endeavoured to follow it from an early day. In several, this position was accorded also to the Holy Scriptures themselves.

In England itself, by way of re-action against monarchical absolutism, the great Puritan jurists Lord Chief Justice Sir Edward Coke (d. 1634) and the Cromwellian and later Lord Chief Justice Sir Matthew Hale (d. 1676) championed the cause of the christianized Common Law of Ancient Britain. Thus, Britain was headed for the 1642-50 Civil War – between the absolutistic Royalist Cavaliers of King Charles the First on the one hand, and the Puritan Roundheads of Oliver Cromwell with their Common Law on the other.

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[142] *Ib.*, pp. 190 & 215.
[143] *Ib.* p. 206.
[144] *Ib.* p. 194.
[145] F.S. Philbrick: *American Law* (in *Enc. Brit.*, New York, 1929, I pp. 777f).

Yet, in spite of the national turmoil in Britain herself at that very time, Natural Law and Common Law and Decalogical Law all found a harmonious focus in the 1643f *Westminster Confession of Faith* (1:6 & 10:4 & 19:1-7 & 20:4). Such could truly unite the British Isles – and such did indeed initially tame the American Wilderness.

The *Westminster Confession* (and the French Revolution as its Antithesis)

After the 1643f Westminster Assembly of the Christonomic Puritans, their Leaders in the English Parliament set themselves in earnest to effect the conquest of Ireland. This was achieved in 1649-1658 by Cromwell and his powerful army. Cromwell died in 1658. After some confusion, Charles II then became king – at the Restoration in 1660.

A new fourth period of statutory history started with this restoration of the monarchy under King Charles the Second [1660-1685]. From thence we may date not only the re-establishment of church and monarchy, but also the complete restitution of English liberty by that great bulwark of the British Constitution – the *Habeas Corpus Act*. That measure, against illegal imprisonment – though first recorded as early as the fourteenth century – was finally formulated in 1679. It greatly increased the liberties of Englishmen under law. Thus Flintoff.[146]

Sadly, King James II (1685-1688) then relinquished Protestantism and tried to romanize the whole of Britain. This precipitated his removal from the throne – and the importation from Holland of Queen Mary and her famous husband King William of Orange.

This was done by way of the 'Glorious Revolution' – which was secured, without bloodshed, by the British *Bill of Rights* of 1688. Thenceforth, by the subsequent *Act of Settlement*, all future British monarchs had to be members of the Church of England – and swear to uphold specifically the Protestant form of the Christian religion.

During this period, many salutary laws were passed. Such included: the British *Bill of Rights*; the *Toleration Act* anent the practices of Non-Conformist Protestants; the *Act of Settlement* with its conditions; the *Act for uniting England with Scotland*; and some other, which asserted liberty in more clear and emphatic terms.[147]

After Union between England-Wales on the one hand and Scotland on the other was accomplished – and the 'Union Jack' adopted as the new national flag in 1707 – the expansion of trade in the growing British Empire greatly boosted the growth of Commercial Law. As Law Author and Trial Examiner William Seagle remarks in his 1966 article on the *Common Law*,[148] the incorporation of the Law Merchant into the Common Law was accomplished primarily by Lord Mansfield. He was Lord Chief Justice of England from 1756 to 1788, and one of the greatest of England's judges.

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[146] Flintoff: *op. cit.*, p. 200.
[147] *Ib.*, p. 202.
[148] W. Seagle's art. on *Common Law*, in *The American Peoples Encyclopedia*, Grolier, New York, 1966, 5:320.

From 1765 onward – the very year of the notorious British *Stamp Act* which finally led to the independence of the United States of America from Great[er] Britain – the famous British Solicitor-General and Court of Common Pleas Judge Sir William Blackstone wrote his celebrated *Commentaries on the Laws of England*. Its publication gave much impetus toward the American *Declaration of Independence*; the adoption of the *Constitution of the United States of America*; and its veneration in the Common Law Courts of that new country.

It was British Common Law that had been taken to North America by the Pilgrims and the Puritans, from 1620 onward – and to Australia from 1788 onward. In America it developed in all thirteen of the self-governing Colonies. Indeed, even after the 1776 *Declaration of Independence*, the *U.S. Constitution* at its 1791 Seventh Amendment clearly and specifically provides for the continuation there – of "the rules of the Common Law."

Soon after the 1776 *Declaration*, in spite of some remaining hostility toward Great Britain at that time, each of the thirteen original American States generally re-affirmed specifically the Pre-1776 Common Law of Britain and of the American State concerned – to be the ongoing Common Law of that State. For the State Constitutions then inserted provisions that the Common Law of England – up till July 4th 1776 – would there obtain.[149]

Thereafter, the *U.S. Constitution* was adopted and ratified in 1789. Article III Section 2 provides that "the trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed." Alleged criminals are therefore tried by the Common Law of the relevant State rather than by any U.S. Federal Statute. According to Article VII, this was so resolved "in the year of our Lord one thousand seven hundred and eighty-seven."

Indeed, the Seventh Amendment to the *United States Constitution* – one of the original ten ratified by the several States already in 1791 – specifically declares: "In suits at Common Law...the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the Common Law."

Hostilities were buried between Great Britain and the United States at the *Peace Treaty of Paris* – significantly, "in the Name of the Most Holy and Undivided Trinity" and "in the year of our Lord one thousand seven hundred and eighty three." Since then, Anglo-British Common Law – rooted in the Law of Nature, cleansed by the Mosaic Law, and sanctioned by the history of Christianity – has more than held its own, also in the United States.

However, to challege the 1643 Christonomic *Westminster Confession* and the 1776 American *Declaration of Independence* which it produced – came the atheism of the anthroponomic French Revolution of 1789. Indeed, the history of mankind ever since then has been an ongoing battle between submission to the Creator's Law of nature

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[149] *Id.*

(and nature's God) – and submission to the lawlessness of man and his antinomian humanism.

The French Revolution's Awful Aftermath: Humanism and Socialism

The ungodly and lawless French Revolution of 1789 rapidly spread radical humanism throughout Europe – and foreshadowed socialism and communism as its daughter and granddaughter. Yet the Common Law more than held its own in Britain and the United States – and slowly spread through much of the British Empire (Canada, Australia, New Zealand, South Africa and even India) *etc*. Yet also the pernicious doctrines of liberalism slowly spread from Europe even to the British Isles (and today even to North America, Southern Africa and Australasia).

Thus, in 1829, the *Roman Catholic Relief Act* was passed. It enfranchized many qualified Romanists – but (rightly) still required them to give allegiance to the Protestant State of Britain.

The passing of that law still required the following oath to be taken by every Roman Catholic before assuming his seat in the British Parliament: "I do swear that I will defend to the utmost of my power the settlement of property within this realm, as established by laws; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government of the United Kingdom."[150]

Yet the leaven of liberalism, that by-product of the German Enlightenment and the French Revolution, was now hard at work – even in Britain. The *Reform Bill* of 1832 was finally carried under a Non-Conservative 'Whig' Government. It was effected in a violent and sudden manner, teaching the unreflecting mass of people how to 'force' a continual and uneasy thirst for change. One cannot cite any more illustrative passage than one from the *Reflections on the Revolution in France* of 1789, by the immortal Burke – who although an ardent reformer, became startled by the dangerous extravagances of democracy.[151]

"This distemper of remedy," said that great statesman while speaking of this unreasoning liberty and its alliance with the worst slavery, "grown habitual, relaxes and wears out – by a vulgar and prostituted use – the spring of that spirit which is to be exerted on great occasions.... They see no merit in the good, and no fault in the vicious management of public affairs. They rather rejoice in the latter, as more propitious to revolution."

Nevertheless, during the long and prosperous reign of Queen Victoria (from 1837 till 1901) Christian Law was upheld both in Britain and in her Commonwealth. Thus, in 1859, the Queen commanded the Governor of the then new State of Queensland in Australia to "promote religion and education among the native inhabitants of our said colony"; and to take the measures "necessary for their conversion to the Christian Faith and for their advancement in civilization." Thus Moyniham J. in *Eddie Mabo &*

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[150] Thus Flintoff's *op. cit*., p. 212.
[151] *Ib*., p. 230.

Ors. v. *The State of Queensland* (QSC 1990, Vol. 14, No. 409, II pp. 1-5). Indeed, there were several improvements in the legal field during the era of Queen Victoria.

Thus, as University of London Professor of Constitutional Law J.H. Morgan (K.C.) explained[152] in his 1929 article on the *Common Law*, defects of form but not of content long disfigured the English Law. One was the separation of Common Law and Equity . The *Judicature Act* of 1873 remedied this, by merging the jurisdiction of all the Courts in one Supreme Court – and causing equitable principles to prevail. As Maitland has happily put it, 'Equity had come not to destroy but to fulfil.' [For] Equity was not a self-sufficient system, whereas the Common Law was.

At the same time – as William Seagle remarks in his article on the *Common Law*[153] – precisely by the *Judicature Acts* of 1873-75, many branches of English Common Law were put in statutory form by a long series of *Consolidation Acts*. Thus Common Law as such was thereby simply transposed into Statutes – and therein preserved.

Bowman then pointed out in the 1876 *Western Jurist*:[154] "All the massive bulk of our English and American Law may be reduced to a very few grand principles underlying the whole and which were enunciated by Moses – and which Bracton, Blackstone, Kent and the host of our English and American commentators have found a common labor in explaining. And the all but fabulous heaps of our Statutes, Reports and Digests – are but amplifications and applications of these great principles to the various conditions of society."

The Russian Revolution as the French Revolution's Granddaughter

In 1917f, the whole World suffered a big jolt from which it has by no means yet recovered. We mean the atheistic Communist Revolution in Russia. Since then it has spread throughout Red China, into much of Asia, through most of Eastern Europe, and into parts of Africa and even South America. It has produced a radical Socialism – which is still assaulting Christian Law.

Today, it is just over 200 years since the ungodly French Revolution of 1789 raised its ugly head. It sought to replace more than a millennium of Christian Law with its own revolutionary new order of "no God and no Master." The Russian Revolution of 1917 – even according to Lenin – is but the fruit of the revolutionary root of 1789. So too is the Chinese Communist Revolution of 1948 – and, obliquely, even every so-called 'Social Democracy' with its socialist and/or democratic political parties everywhere on Earth.

Thus, our Christian Common Law (rooted in the incorruptible Triune God) has increasingly been challenged by a humanistic sociologized 'law' proceeding from the unregenerate heart of fallen and corrupt mankind. Respect for all law has correspondingly dwindled – and certain authority has more and more been replaced by mere pragmatic convention.

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[152] J.H. Morgan's art. *Common Law*, in *Enc. Brit.*. 14th ed., 6:123.
[153] In *Amer. Peop. Enc.*, 5:320.
[154] Bowman in the *Western Jurist* 91 for 1876, as cited in H.B. Clark's *op. cit.* p. 48 n. 3.

Predictably, social cohesion has increasingly broken down, and crime has rapidly increased. Humanists by and large have not yet realised that law as such cannot long be maintained – once its ethical sub-structure and especially its transcendent foundation has been eroded. The legal flower has been amputated from its ethical stalk – and particularly from its divine root. The cut flower currently still blooms – though fadingly so. Soon it will shrivel and die – unless re-engrafted onto the religious root which bore it.

Fortunately, the unholy trinity of Humanism/Socialism/Communism contains the seeds of its own destruction. Communism in Eastern Europe and in the Soviet Union collapsed in the early nineteen-nineties. In God's good time, this will be followed by its demise also in Red China – and also by the downfall of Socialism and finally even of Humanism in all lands internationally. Christians should therefore right now take heart. They should prepare themselves right now for a fresh witness; for a new struggle; and then also for a mighty advance – into all the World.

The soon death of Humanism and the resurrection of Christianity

Humanistic Law – actually a misnomer for pseudo-legal sociology – has no long-range future. Historically, it will in God's good time suddenly collapse into anarchy – or otherwise invoke the reaction of vertical recommitment to the one true Triune God. Either way, ultimately a resurgence of Christian-Biblical Law – provided it re-asserts its classic comprehensive scope, and resumes its confident eschatological focus – must necessarily replace the bankruptcy of humanism and the destruction following in its wake.

Some have wrongly called Australia the most 'godless' nation under the sun. Yet it is very significant also "Down Under" – that the Common Law, historically, has been paramount. Indeed, according to University of Queensland Law Professor R.D. Lumb, the great Christian Law Professor and later Court of Common Pleas Judge Sir William Blackstone (1723-1780) was to influence profoundly the understanding of these laws in the Australian colonies.[155]

Also the first Governor, Captian Phillip, maintained the Decalogue, throughout Britain's first colony in Australia[156] in 1788. Governor Macquarie promoted the Bible Society and Sunday Schools[157] in 1810. *Thackeray's case* affirmed that the Law of God is part of the law of the land[158] in 1874. Indeed, the 1901 *Australian Constitution* starts out by "relying on the blessing of Almighty God"[159] – and later refers to the oath upholding the monarch "so help me God!"[160]

In 1953, when Elizabeth II was crowned Queen of Australia, Great Britain and the her other Commonwealth of Nations – she was given a Bible and enjoined: " This is

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[155] R.D. Lumb: *Australian Constitutionalism*, Butterworth, Brisbane, 1983, p. 25.
[156] C.M.H. Clark: *A History of Australia*, 1973, I pp. 78f & 257f.
[157] *Ib.*, pp. 280f.
[158] *Ex parte Thackeray* (1874) 13 Supr. Ct. Repts. NSW 1, 61 – per Hargrave, J.
[159] Thus Preamble. See P.H. Lane: *Some Principles of Australian Constitutional Law*, Law Book Co., Sydney, 1964, p. 259.
[160] Thus Schedule. See P.H. Lane's *op. cit.*, p. 281.

the Royal Law [*cf.* James 2:8-12].... With this sword do justice; stop the growth of iniquity...; help and defend widows and orphans; restore the things that are gone to decay; maintain the things that are restored; punish and reform what is amiss.... Remember that the whole World is subject to the power and Empire of Christ our Redeemer.... The Lord give you faithful Parliaments and quiet realms; sure defence against all enemies; fruitful lands and a prosperous industry; wise counsellors and upright magistrates; leaders of integrity in learning and labour; a devout, learned, and useful clergy; honest, peaceable and dutiful citizens!" *Cf.* Leviticus chapter 26 & Deuteronomy chapter 28.

In 1982, the Congress of the United States of America authorized and requested President Reagan to proclaim that "the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people"; and that "deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our nation"; and that "Biblical teachings inspired concepts of civil government that are contained in our *Declaration of Independence* and the *Constitution of the United States*." Concluding that "the Bible is 'the rock on which our Republic rests,'" Congress further recognized "our national need to study and apply the teachings of the Holy Scriptures."

No wonder, then, that British Prime Minister Margaret Thatcher[161] told the General Assembly of the Church of Scotland on May 21st 1988: "From the beginning, man has been endowed by God with the fundamental right to choose between good and evil.... We were made in God's own image, and therefore we are expected to use all our own power of thought and judgment in exercising that choice.... If you try to take the fruits of Christianity without its roots, the fruits will wither. And they will not come [back] again, unless you nurture the roots.

"The Old Testament lays down: in Exodus the Ten Commandments as given to Moses; the injunction in Leviticus to love our neighbour as ourselves; and generally the importance of observing a strict Code of Law.... The New Testament is a record of: the Incarnation; the teachings of Christ; and the establishment of the Kingdom of God.... I believe that by taking together these key elements from the Old and New Testaments, we gain: a view of the Universe; a proper attitude to work; and principles to shape economic and social life.

"We are told we must work and use our talents to create wealth. 'If a man will not work, he shall not eat' – wrote St. Paul to the Thessalonians [Second Epistle 3:10].... You recall that Timothy was warned by St. Paul that anyone who neglects to provide for his own house...has disowned the faith and is 'worse than an infidel' [First Timothy 5:8].... Intervention by the State must never become so great that it effectively removes personal responsibility. The same applies to taxation.

"Politicians must see that religious education has a proper place in the school curriculum. The Christian religion...is a fundamental part of our national heritage. For centuries, it has been our very lifeblood. Indeed, we are a nation whose ideals are founded on the Bible. Also, it is quite impossible to understand our history or literature without grasping this fact. That is the strong practical case for ensuring that

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[161] *Biblical Economics Today*, ICE, Tyler (Tx.), Aug.-Sept. 1988.

children at school are given adequate instruction in the part which the Judaic-Christian tradition has played in moulding our laws, manners and institutions.

"Nowhere in the Bible is the word 'democracy' mentioned. Ideally, when Christians meet as Christians to take counsel together, their purpose is not (or should not be) to ascertain what is the mind of the majority – but what is the mind of the Holy Spirit: something which may be quite different [Exodus 23:2 *cf.* First Corinthians 2:10-14].... No majority can take away God-given human rights!"

The great strengths and irreplaceability of the Common Law

So Common Law still continues – even today. Observes the *Encyclopaedia Britannica* (in its article on the 'Common Law'),[162] in that system judges disavow the office of 'judicial legislation' and in theory observe Bacon's monition that their office is *jus dicere* not *jus dare* (in other words, to declare the law and not to make it). The minds of English judges are certainly still receptive to common usage.

Although a Statute can abolish any rule of Common law – it can only do so by express words or necessary intention. In the absence of such a manifest intention, the Common Law remains. It is also the 'key to unlock' the meaning of the Statute, which will always be construed by the light of it. As Dicey wrote, "nine-tenths of the Law of Contract and nearly the whole of the Law of Torts are not to be discovered in any volumes of the Statutes" – but only in the Common Law.

What, then, are some of the characteristics of modern Common Law? According to Chicago Law Professor P.D. Edmunds,[163] they include: adaptability and flexibility; capacity for growth; right to privacy; and the merger of law and equity.

Edmunds explains that in contrast to the rigidity of a code of written law such as the Roman *Law of the Twelve Tables*, one should appreciate the advantage of Common Law which is not tied down to formalized statements. It is impossible to emphasize too strongly the highly flexible element of the Common Law, clearly implicit in its very nature.

This is the basic difference between the system of Common Law and that of Roman Law. In the absence of constitutional inhibition – which is rarely the case in this regard – the Common Law Courts are free to determine the law according to reason and justice. This approach is what Law Professor Dr. Paul Vinogradoff has characterized as the best traditions of the Common Law system.

Trial Examiner William Seagle's article on the Common Law has stated it very well. It declares[164] that the characteristic features of the classical Common Law have generally been: the method of judicial precedent; the institution of trial by jury; the exclusionary system of evidence; and the doctrine of the supremacy of the law.

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[162] 14th ed., 6:123.
[163] *Op. cit*., pp. 414-27.
[164] In *Amer. Peop. Enc.*, 5:320.

The *Encyclopaedia Britannica* concludes[165] that the Common Law is as much a national possession as is the English language itself. The Pilgrim fathers took it with them to America together with their tongue. Consequently, it is the foundation of the Law of the United States. Nowhere has it been more admirably studied.

To this, the *Encyclopedia Americana* adds[166] that the Common Law as it existed at the time of the *Declaration of Independence* was formally adopted in all the original States of the Union. It was adopted too by most of the commonwealths subsequently admitted as States.

The Common Law and Christianity as the religion of the future

Whenever a conscientious religion or philosophy of life advances – whether it be Christianity, Islam, or Humanism – it inevitably promotes also its own system of law. For the latter is one of its most important tools. Even the 1992 secularistic *Review of the Preservation and Enhancement of Individuals' Rights and Freedoms* of the Queensland Electoral and Administrative Review Commission, recognizes this obvious fact. Indeed, that *Review* is itself the expression of a Romanist philosophy – yet a fluid one rapidly "evolving" into a syncretism with Humanism.

For, from its own unacceptable perspective,[167] it fundamentally favours the views of the Romanist Thomas Aquinas. Yet it also further claims that "the change from the mediaeval world to the modern, saw natural law theory defeat the idea of a 'higher' divine law."

It also misalleges[168] that the seventeenth-century socialistic Levellers – were "a group of Puritan Reformers following Luther." It even perversely pontificates that antitrinitarian and polygamy-permitting "Islam, which also proclaims a belief in one God, expounds ideals about humanity that correspond with tenets of Christian belief."

It is clearly being directed toward moving away from Anglo-British Common Law. It is moving through a maze of Romish-*cum*-Humanistic United Nations' Conventions – toward a 'New World Order' based on horizontalistic international consensus.

However, through the continuing influence of the British Commonwealth and the United States of America – also Common Law has already made inroads even into Indian and Malaysian Law. Here and there, it has also influenced even Continental 'Roman'-type legal systems.

Hence, the battle is on – for the legal control of the immediate future. In our own day and age, the future of Common Law will depend largely on the strength of the Protestant religion to continue its correction of Romanism which commenced at the time of the Pre-Reformation and the Reformation, in the light of the rediscovered Bible and its aggressive re-assertion.

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[165] 14th ed., 6:123.
[166] Art. *Common Law* in *Enc. Amer.*, 1951 ed., 7:414.
[167] *Review of the Preservation and Enhancement of Individuals' Rights and Freedoms,* Issues Paper No. 20, Electoral and Administrative Review Commission, Brisbane, Australia, June 1992, pp. 12 & 17.
[168] *Ib.*, p. 18.

Even more. The future of Christianity itself is here involved. For it depends especially on man's response to the proclamation from the infallible Holy Scriptures of the Old and New Testaments – of the crown rights of King Jesus over every inch of the universe and over all aspects of human life.

Surely, the final outcome cannot be in any doubt. For the ascended King Jesus Christ even now wields all power in Heaven and upon Earth. Matthew 28:19. Through His Holy Word, He yet continues to rule His World – expansively and increasingly – through His Law-abiding people.

Indeed, thus will He keep on reigning – First Corinthians 15:24-28 & Revelation 15:2-4 – until all of His enemies have been reduced to a footstool under His royal feet. For His judgments are being made manifest.

Summary: The Post-Constantinian acknowledgement of the Law of Christ

Summarizing, we saw that Lactantius (the mentor of Constantine and also of the latter's son) described the predestinated doom of Pagan Rome. It was also noted that Constantine himself – whom a contemporary fourth-century *Panegyric* claimed was born in Britain (thus History Professor Philip Schaff) – then actually established a Christian Commonwealth throughout the Roman Empire.

Eusebius explained the great historical importance of his contemporary, Constantine – and praised him greatly in his own *Oration*. There, Eusebius showed how God was advancing Christ's Kingdom through Constantine – especially in that Emperor's erection of a Christian "Law Order" throughout the Roman Empire.

Next, we noted Post-Constantinian advances of Christianity – also through Athanasius of Alexandria and Cyril of Jerusalem. A christonomic eschatology was seen to be upheld also in the *Apostolic Constitutions* and the *Apostolic Canons*. Then, while looking at Post-Nicene Church Fathers from Ephraim the Syrian to Ambrose of Milan, it became obvious they indeed believed that all nations will yet call Christ blessed.

Cyril of Jerusalem believed Christ's Church would triumph over the Roman Antichrist. So too did John Chrysostom of Constantinople. Jerome of Bethlehem described the collapse of the Roman Empire, and predicted that also of its subsequent Antichrist. Yet he also forecast a later triumph over the latter, by the Christian Church. Indeed, particularly Augustine of Hippo – who lived through the collapse of Babylonish Rome – is emphatic about the Church's later triumph also over the Roman Antichrist which was then soon about to start appearing.

It was precisely the political collapse of Rome which paved the way for the advent of the papacy in Rome. Gregory the Great of Rome resisted being called the first 'Universal Father' (or 'Pope'). But his successors had no such objection.

Nevertheless, the papacy was denounced as Antichrist by: Arnulf of Orleans, the Waldensians, Eberhard of Salzburg, the *Pseudo-Joachim Commentaries*, Pierre Jean d'Olivi, Ubertino of Casale, Dante Alighieri, Michael of Cesena, John of Rupescissa,

Francisco Petrarch, John Milicx, John Wycliffe, Matthias of Janow, Richard Wimbledon, John Purvey, Walter Brute, John Huss, Martin Luther – and by every single Protestant Reformer without exception.

Indeed, the papal Antichrist is especially denounced by John Calvin – and by the British Calvin-ists' *Westminster Confession*. Yet their *Westminster Larger Catechism* also sets out not only the predicted triumph of Christianity after the destruction of the papacy. In addition, it further describes one of the chief tools with which both to destroy the papacy as well as to expand Christianity – namely a Christ-led and Spirit-empowered trinitarian obedience to the Ten Commandments as the Law of God, in every sphere of human endeavour.

We then looked at the Biblical and pre-papal roots of Ancient British Common Law. It was seen that Ancient British Common Law derives from Noah, *via* Japheth and Gomer. Nenni and Blackstone were seen to have described Japheth's Scythians and their Ancient Iro-Scotic Common Law. Indeed, we then noted the role of the Ancient British druids as Common Law judges (according to Julius Caesar, Strabo and Pliny).

Christian influences in Pre-Saxon Celto-Brythonic Common Law were next examined. The role of customs, the clan and the family were all seen to be much appreciated among the Ancient Celto-Britons.

We also traced the influence of Christian Celto-Brythonic Common Law on that of the Anglo-Saxons – and indeed of the increasing christianization process even within Anglo-Saxon Common Law itself. The Celto-Britons' frankpledge and their *leet*-courts were seen to have been absorbed by the Anglo-Saxons – and the subsequent synthesis of the Celto-Brythonic and Anglo-Saxon law systems into Anglo-British Christian Common Law, was then traced.

Thus we noted the Anglo-British law codes of Asser the Welshman and Alfred the Great of Wessex, and also of Anglo-Danes such as King Canute. We then followed the development of Anglo-British codes – from King Athelstan and Hywel Dda to Edward the Confessor. We next took a look at William the Conqueror and the development of Anglo-Norman Law. In spite of some suppression, British Common Law soon re-asserted itself – especially at *Magna Carta*, that bulwark of the liberties guaranteed by British Common Law.

Subsequent developments portrayed King Edward the First as England's Justinian. Indeed, some of the predictions of Daniel 12:7-12f were seen to have been fulfilled in the period between John Wycliffe and the Westminster Assembly. The latter, however, represented the acme of Common Law – in the days of the Puritans Lord Chief Justice Sir Edward Coke, Master of the Rolls Dr. John Selden, and Lord Chief Justice Sir Matthew Hale.

The influence of Westminster Puritanism and the Common Law were strong in England, Ulster and America – and indeed also in the later United States and Australia. It did, however also evoke a strong antithesis – culminating in the French Revolution of 1789. Indeed, the latter's awful aftermath includes not only the Russian Revolution of 1917 and Chinese Communism till this very day – but also worldwide Social(istic) Democracy and its concomitant of modern Humanism, spearheaded by

the aggressive pretensions of an advocated 'New World Order' under the dictatorship of the internationalistic United Nations.

Nevertheless we now await, in God's good time, the disintegration and then the sudden death of Democratic Humanism – and the re-resurrection of Christocratic Christianity. For the latter's Biblical Common Law has great strengths, and is in fact irreplaceable. Indeed, in its ongoing development, it constitutes one of the chief tools of the only religion which will ultimately triumph in years ahead – Consistent Christianity.