

# Theonomy Defended

A Response to J. Esmond Birnie, "Testing the Foundations of Theonomy and Reconstruction"

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J. Esmond Birnie, while his work "Testing the Foundation of theonomy and Reconstruction,"<sup>1</sup> is essentially a critique of theonomy, has much to say in favour of theonomy, and his treatment is considerably fairer than most. He defines it in accordance with the definitions given by theonomists, and does not erect grotesque straw men. However, there are shortcomings with his critique, and I get the feeling that he would probably be more open to theonomy if he had a clearer concept of what it means.

After outlining a basic (and basically good) definition of theonomy in terms of two propositions, (the "continuing validity of the law in exhaustive detail," and second, the obligation on modern governments to follow the authorities of Old Testament Israel in enforcing such obedience), he goes on to list what he sees as strong points of theonomy. Despite the strong points, Birnie still finds himself compelled to reject theonomy, because of its problematic "foundations" (or at least that's what the title of his article implies). He gives seven arguments that illustrate these perceived problems with the foundations of theonomy, and so I now turn to these arguments. I would suggest that none of them is successful as a critique of theonomy, and certainly none of them challenge the "foundations" of theonomy.

## 1. "Deceptive Simplicity of theonomic Ethics"

According to Birnie, one of the initially attractive things about theonomy is that it appears to be very simple. How should society be governed? According to the Law of God. But, says Birnie, as we delve into the issues, we see that it is not as simple as it sounds at first.

As an example of this non-simplicity, Birnie refers to Deuteronomy 22:8, "When you build a new house make a parapet around your roof so that you may not bring the guilt of bloodshed on your house if someone falls from the roof." Since modern Americans generally don't have flat roofed houses, and don't spend a lot of time on the roof, it would seem that this law can't simply be transferred to modern Western culture. Theonomist Greg Bahnsen for example suggests that a modern parallel might be putting a fence around a swimming pool.

Birnie uses this example to illustrate a perceived weakness in theonomy: It is supposed to be simple, yet clearly it is not simple, hence one of its chief appealing features is an illusion. Several responses should be made to this. Firstly, when did theonomists ever claim that ethics were a simple matter? It may well be that some people are attracted to theonomy because they think it is a simplistic model of ethics, but whose fault is that? Even *if* it were the theonomists' fault, all that we would need to do is acknowledge that it is not simple, not reject theonomy itself. And in fact, this has occurred. Speaking of his own thesis, Bahnsen said,

Nothing that has been said above means that the work of Christian ethics is a pat and easy job. Even though the details of God's law are available to us as moral absolutes, they still need to be properly interpreted and applied to the modern world. It should be

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<sup>1</sup> This article appeared in the *Scottish Bulletin of Evangelical Theology* 15:1 (1997) 8-26.

constantly borne in mind that no school of thought, least of all the theonomist outlook, has all the answers. Nobody should get the impression that clear, simple or incontestable solutions to the moral problems of our day can be just lifted from the face of Scripture's laws. A tremendous amount of homework remains to be done, whether in textual exegesis, cultural analysis, or moral reasoning – with plenty of room for error and correction.<sup>2</sup>

Secondly, even if theonomy does have the initial appearance of simplicity, but gets more complicated when we get deeper into it, this is not an argument against the truth of theonomy. If it were, it would serve equally well against any kind of Christian ethics. After all, when we ask "what should we do?", the answer could be given as "to obey what God teaches us Scripture." It might sound simple on the surface, but the further we examine what God does say in Scripture the more complicated the answer becomes. Clearly this doesn't mean that it is false to say that we ought to obey what God teaches us in Scripture. Thirdly, it looks as though it is Birnie's reading of the Old Testament Law that is simplistic. Consider, for example, the law he appeals to regarding the fence around the roof. If we read it carefully, we note that no guilt (or at any rate, no punishment) would be imputed for simply failing to put a rail around the roof. The guilt came about if and only "if someone falls from the roof." Thus, if the house owner has a scenario where someone is likely to fall and hurt themselves (i.e. in this case a roof where he knows people will spend some time), then the owner is responsible for any injury that arises through his own negligence. He was not simply punished for not building a rail, but rather for the consequences that he could have avoided through due prudence. Fourthly, It isn't clear that this law about roof railings doesn't apply today. In fact, the evidence suggests that we do in fact have such laws today. Where there is a case of injury due to negligence of property owners, they are in fact punished (e.g. consider the cave creek-tragedy in New Zealand, where an unsafe scenic viewing platform gave way, sending a number of students to their deaths, and an outcry went out against the government department responsible for maintaining such facilities). It would seem to follow then, that if someone in our society did have a house with a flat roof, so built because people spent time on the roof, they could in fact be prosecuted if a guest fell and injured themselves because there was no railing around the roof. Fifthly and finally, the perceived simplicity of theonomy is not a foundation for theonomy. It might be what some people think about theonomic ethics when they first hear about them, but it is not a foundation to which theonomic ethicists have ever appealed. This first argument then is not an examination of a foundation of theonomy, nor could it successfully contribute to any rebuttal of theonomy.

## 2. Problems with the interpretative framework

This second point of Birnie's is in fact not argument at all – and this doesn't mean that he attempts an argument that ultimately fails, he genuinely does not offer an argument here. What he does, however (and it is certainly useful), is describe the theonomic position, along with a non-theonomic position, on how the relationship between the Old and New Testaments is to be construed. However, the underlying argument present in this point seems to be identical with the previous point – theonomic ethics is not simple.

Birnie points out that even though Bahnsen says he believes in the continuing authority of the law unless a law is specifically set aside in the New Testament, theonomists would not argue for a contemporary application of Deuteronomy 22:9 (Do not mix crops) or Deuteronomy 22:11 (do not wear clothing made from blended fabrics). These laws aren't expressly set aside in the New Testament, argues Birnie, so why don't theonomists want to see these enshrined in law also? However, Birnie

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<sup>2</sup> Bahnsen, "The Theonomic Reformed Approach to Law and Gospel," 115.

explains that in fact Bahnsen (and other theologians for that matter) do agree with the Reformed tradition generally that it is the ceremonial laws that are no longer binding. This assessment is a fair one. However, Birnie believes that this creates a problem for theologians, since Deuteronomy 22:9 and 22:11 are not explicitly singled out in the New Testament as being ceremonial laws.

But this problem cuts both ways. If these laws genuinely are not ceremonial laws then Birnie needs to give an account of exactly *why* they should not be carried out today. If this proves anything against theonomy, it proves too much for Birnie's case, for it would actually suggest that we ought to obey these laws, yet the Reformed tradition that Birnie seems to advocate does not do this. Secondly, Birnie may be guilty of over-simplification at this point. His observation seems to be that according to theonomy, the laws of the OT will remain binding unless they are specifically set aside in the NT, however these laws about crop planting and clothing are not specifically set aside, hence they ought to remain binding for the theologians. At first glance this looks sound, but only because some of the subtleties of theonomy (and biblical interpretation generally) have been glossed over. It is not necessary for the NT to give a list of each and every item of law that is ceremonial rather than moral in nature in order for us to believe that there is a ceremonial category of law that no longer applies. If there is a category of law that we can call ceremonial, and if these laws belonged to it, then if there is good grounds for saying that ceremonial law in general has been set aside, then it would not be necessary to be told that each specific ceremonial law had been set aside. Of course, whether these conditions are in fact met is something that cannot be settled in such a short space. The point is that Birnie's reference to the difficulty of what to do with laws such as Deut. 22:9,11 is not unique to theonomy, and it is not an argument against theonomy either, since it does not show that ceremonial law per se has not been set aside by the New Testament. Whether one is a theologian or not, attempting to categorise Old Testament law is just difficult. This being said, it should also be noted that there was never any penalty associated with these two laws. They were rather instructions on what not to do when planting fields and weaving clothing. A contemporary enforcement of these laws then (if any theologians did argue for their contemporary enforcement, which they tend not to) would not involve punishing those who do not adhere to them, and would thus not really be an "enforcement" at all.

In closing this section, Birnie offers his own non-theonomic perspective on these laws: They are not ceremonial law but "judicial" laws, a term that appears to mean "laws that were only applicable to Israel in her cultural-historical setting." With the passing of God's covenant dealings from the nation of Israel to the church, says Birnie, "a good and necessary deduction would be the expiration of the Old Testament judicial laws." But this confuses things terribly. The church does not enforce or punish the breaking of any the law in accordance with the civil penalties of the Old Testament. In the Bible, just as in theonomy, this is the obligation of the ruling authorities (cf. Paul's discussion in Romans 13). For theologians, the issue determining the continuity of any given law is not "have the covenant dealings of God turned to a new group of people or not" (since in theonomy morality is not determined by cultural context), but rather, "Has the law giver given us good reason to think that He no longer requires us to do this?" In the case of ceremonial law, the answer (according to theologians) is yes.

### 3. Exact blueprint for criminal justice?

Birnie considers that the theonomic application of the law with respect to criminal justice is seriously in error.

For example, is it legitimate to deduce that, because Old Testament Israel appears to have had no prisons (or at least Moses made no provision for them in his instructions prior

to the conquest of Canaan), there should be no prisons in the modern USA (Barker and Godfrey, p. 44)? The theonomists infer that God's intention is that state authorities should eliminate the criminal class (either through personal reform in the case of minor offenders or through the execution of the more serious; one consequence of the application of the Mosaic law would be, of course, that the range of capital crimes becomes very large). Many people, including many Christians, would be horrified by these suggestions.

Firstly, it must be noted that this is not an argument. Here Birnie simply points out that people might be horrified by theonomy – and it's true, some people are. But this is an appeal to emotion rather than a good reason to reject theonomic ethics.

After this initial appeal, Birnie argues that theonomy is flawed because of a "misunderstanding of the way justice was applied in Old Testament Israel."

There are grounds for holding that the authorities in fact had some discretion in applying the punishment for each crime. This would parallel the interpretation that the *ius talionis* ('an eye for an eye' etc.) established maximum permissible levels of retribution rather than prescribed obligatory responses. Certainly, we have two recorded cases where the state authorities did not immediately deal with what were apparently capital crimes, blasphemy (Lev. 24:10-16) and sabbath-breaking (Num. 15:32-6). Execution occurred only after a specific divine intervention, a 'word from the Lord'.

Two responses should be made to this. Firstly, if Birnie is right in saying that the *lex talionis* allows maximum penalties rather than obligatory ones, then it is quite theonomic to argue that this should be the spirit of contemporary law, since theonomy is not a particular interpretation of the law, it is the philosophy that whatever the law really means is what should be applied today. To point out that the theonomists might be misinterpreting this law (although Birnie does not attempt to show that they are) does not show that once rightly interpreted, it should not be applied today, which is the point theonomists have been making.

Secondly, Birnie's use of Leviticus 24:10-16 and Numbers 15:32-36 is quite improper. These cases do not show that capital punishment should only be carried out in capital cases when we have a direct word from the Lord telling us so. In fact, these texts tell us the very opposite. The word from the Lord in these cases comes as a universal rule, telling the people what they should do in the future when these crimes are committed. The example in Leviticus 24:10-16 reads as follows:

Now the son of an Israelite mother and an Egyptian father went out among the Israelites, and a fight broke out in the camp between him and an Israelite. The son of the Israelite woman blasphemed the Name with a curse; so they brought him to Moses. (His mother's name was Shelomith, the daughter of Dibri the Danite.) They put him in custody until the will of the LORD should be made clear to them.

Then the LORD said to Moses: "Take the blasphemer outside the camp. All those who heard him are to lay their hands on his head, and the entire assembly is to stone him. Say to the Israelites: '***If anyone*** curses his God, he will be held responsible; ***anyone*** who blasphemes the name of the LORD must be put to death. The entire assembly must stone him. Whether an alien or native-born, when he blasphemes the Name, he must be put to death [emphasis added]."

It is fairly clear that this passage is intended to set a precedent for any future cases of blasphemy. It does not suggest that when the crime is committed again we ought to wait for another word from God.

Rather, this particular word from God instructs the people to act whenever this crime is committed in the future.

A similar problem arises with Birnie's use of Numbers 15:32-36, which reads:

While the Israelites were in the desert, a man was found gathering wood on the Sabbath day. Those who found him gathering wood brought him to Moses and Aaron and the whole assembly, and they kept him in custody, because it was not clear what should be done to him. Then the LORD said to Moses, "The man must die. The whole assembly must stone him outside the camp." So the assembly took him outside the camp and stoned him to death, as the LORD commanded Moses.

The issue of the Sabbath is somewhat more controversial, as theologians are divided as to whether the Sabbath law belongs to ceremonial law or not (this might be suggested by Hebrews 4). In any case, here we have a case where a person breaks the Sabbath, and the people ask God what the right thing to do is. The answer is that he is to be executed. This is in the wilderness just after the law was given, and here we see people seeking clarification regarding its precepts. When this clarification comes from the Lord, they have a clearer picture of how to enforce the law. It is difficult to see anything in this passage that might suggest that we too should wait for a direct word from the Lord in every case to see if and how we should punish crimes.

Birnie closes this section by saying that while the state is still called to administer justice, "The Christian is not however necessarily obliged to start closing prisons!" It should be clear that this is done for either humorous effect, or it is a cheap shot, given that theologians have never suggested that Christians should go around closing prisons. Instead, they urge a reform of the justice system that would result in the redundancy of prisons.

#### 4. The wealth of nations

Birnie claims that theonomy blames poor people in third world countries for their own poverty – they must have sinned and brought it on themselves. Making reference to the theonomic writing of David Chilton, Birnie says:

Chilton argues that the Third World is under the judgement of God. It is certainly true that Deuteronomy 28 warns that national poverty can follow national unrighteousness. No doubt sinfulness is a primary cause of Third World problems but Chilton fails to distinguish between the sin of ordinary Africans, Indians and Latin Americans, the sin of their governments, and indeed the sin of western governments and companies. If it is implied that it is exclusively the sin of the Third World poor which is to blame, then theonomy could encourage a rather callous disengagement by rich Christians from concern for the conditions of the poor in the world.

There are a couple of issues that need to be disentangled here, but they are fairly simple. Firstly, in this observation Birnie has really conceded the theonomic argument – we do need to distinguish between the sin of the individual poor people in those countries, and the sin of their government. This point is clearly made by theologians, and it is even made by David Chilton in the very work that Birnie is referring to. No theologians has ever argued that if a person lives in a poor country and is poor, then *he must be sinful in proportion to his poverty*, and I predict that no theologians ever will. Theologians

distinguish between personal sin and corporate or governmental sin. A righteous person might still suffer in poverty as the result of a sinful government. This criticism then simply doesn't apply to theonomy, although it is certainly a warning worth heeding for all Christians – don't assume that poverty always and only follows personal sin.

Secondly, even if Chilton did make this argument, saying that poor people in poor countries are just more sinful, and even if many theonomists say this (which they don't), this would still not be a good critique of theonomy. Our views on why people are poor are not intrinsic to our views on whether we should obey God's law. Consider the following argument: Most (or all) of the Australian cricket team like to eat McDonalds, therefore by definition an Australian cricketer is someone who likes to eat McDonalds. Obviously this is a ridiculous argument. In a similar way, it is ridiculous to say: Some or many theonomists attribute the poverty of poor people to their sinfulness (which is false anyway), therefore theonomy by definition attributes poor people's poverty to their sinfulness. This argument simply does not stand up. Whatever we might think about the cause of poverty, that is a different question to the question of whether or not we ought to obey the Law of God in our day.

## 5. Calvin was no theonomists

Here Birnie argues (extremely briefly) that Calvin was not a theonomist, and nor were any of the Puritans, and nor were the writers of the Westminster confession of faith. I think he is probably wrong, but for now that doesn't matter. For now – let's charitably grant that he is correct. This question is of historical interest – it might be fascinating to know what Calvin thought about the Law of God, but the significance of this point ends there. Theonomists tend to hold to the principle of sola scriptura, not sola Calvin. If it can be successfully be shown that Calvin was not a theonomist, then the theonomic response is not "well then I'd better change my views so that I agree with Calvin." The theonomic response is "well, if Calvin was not a theonomist, then he was wrong."

This point is an interesting investigation of historical trivia, but since theonomy is based on Scripture and not Calvin, this is not an examination of the "foundations" of theonomy.

## 6. The sociology of theonomy

Birnie says, "If theonomy does not come out of the stable of mainstream Reformed thought, where then does this dark horse come from?" He then engages in social reductionism, trying to account entirely for theonomic beliefs by appealing to the social setting in which they arose. He says:

The apparent simplicity of theonomic ethics, with the implication that social order and prosperity can be regained through obedience to those laws, may appear very attractive to middle Americans and US Evangelicals and fundamentalists (there is a lot of overlap between the sociological and religious categories) who have been disoriented by the loss of Protestant political and cultural ascendancy in the USA, the development of racial pluralism and the relative economic decline of America, which over two decades has squeezed middle-class and blue-collar living standards. In other words, theonomy appears an attractive exit for those who find that the American dream may have become a dead end.

Thus, people who hold to theonomy don't sincerely think that the Bible teaches theonomic ethics. They do not believe that Christ is our example in submitting to God's law, and they don't really believe that we are called to seek government that emulates God's principles of justice because they think it is biblical. They are really just seeking an escape from a cultural context that makes them unhappy. Of course, this creative psychoanalysis of theonomists does nothing whatsoever to evaluate the biblical arguments for theonomy, it is merely a smug smear campaign. The theonomists might equally well claim that many modern evangelicals don't advocate the contemporary application of God's Law because they are defeatists who have given up all hope of the Bible having any real influence in the world and they are simply retreating into the safety of their churches which are poky little holy clubs that have no connection with the real world. Of course, such a line of argument would be completely unkind and arguably not very close to the truth, but then again, the same is true of Birnie's hypothesis about why theonomists "really" think as they do.

Birnie is very careful to cover himself against such accusation by saying: "Of course, we should beware of falling into the trap of sociological reductionism. Ultimately theonomy should stand or fall according to the merits of its biblical interpretation." But it is too late, he has already engaged in sociological reductionism. Given that, as Birnie admits, theonomy doesn't stand or fall on such speculative factors, but rather on its biblical interpretation, this point, like those that preceded it, is not in any way an examination of the foundations of theonomy.

## **7. Theonomists reluctance to accept that believers may have to suffer**

Birnie claims that "Underlying much of the theonomic approach may be a pretty thin view of suffering. In the theonomic scheme of things, the righteous will be healthy and wealthy but the wicked the reverse (this is how they read, for example, Psalm 37:25)." He claims that this is merely another for of the "name it and claim it" message of the prosperity movement, where the righteous will always be blessed and suffering indicates sin. Theonomists, he urges, have simply taken this principle and elevated it to a national level, so that nations that follow God's Law will reap beneficial consequences while nations that do not follow God's law will reap harmful consequences (as per the national blessings and curses of Deuteronomy 28). He further criticises theonomy because, he says, "it seems to spring in large part from a sometimes triumphalistic post-millennialism," and thus has an unrealistically optimistic eschatology.

There are several problems with this line of rebuttal.

Firstly, it is manifestly false that theonomists deny that a great many believers have suffered, and will suffer. It is unclear who this criticism is levelled against since no theonomists has ever claimed otherwise, and Birnie does not quote any theonomic writer to demonstrate the error he refers to.

Secondly, the link between the "prosperity Gospel" and theonomy needs to be clearly denied. Theonomy is a system of ethics. It is a system of "what we ought to do in order to be obedient to scripture," namely, obey the Law of God. The prosperity Gospel on the other hand, is a system of "what we can expect to happen if we avoid sin, if we have faith and if we ask God for what we desire." The entire approach is quite different. In all the literature on theonomy, no example of anyone proclaiming the prosperity Gospel can be found. What is frequently claimed, however, is that there are positive social consequences when society is ordered according to the Law of God. No amount of distortion could possibly make this look like the "health and wealth" Gospel.

Thirdly, Birnie is confusing ethics with eschatology. It is true that many theologians are also Postmillennialists, but it is not the case that theonomy is postmillennialism, nor is it true that one must be a Postmillennialist in order to be a theologian. One of the dangers that Birnie faced by calling his article an examination of the foundations of theonomy and Reconstruction is that he ran this risk of treating the two as though they were the same thing, and now he has done just that. Theonomy is an ethical statement – that society ought to be governed according to the law of God, revealed in the decalogue and explained in the civil application in the Old Testament and throughout Scripture. There is no intrinsic suggestion of Postmillennialism (or any other millennial view), nor of any inevitable optimism of dominion or victory. These are eschatological questions, not ethical ones. “Reconstructionism” on the other hand refers to a more narrowly defined position that entails more than just theonomy. Theologian Greg Bahnsen (who Birnie shows an awareness of) explained in a prominent work on the topic in 1991 (well before Birnie’s article was written, which should have given him time to read it):

‘Reconstructionism’ popularly names a theological combination of positions which usually includes presuppositional apologetics, a postmillennial view of eschatology, and a theonomic view of ethics.<sup>3</sup>

Thus, while every Reconstructionist (i.e. postmillennial theologians) is a theologian, not every theologian is a postmillennialist, and a critique of postmillennialism is therefore not a critique of theonomy at all, let alone an examination of the “foundations” of theonomy.

Fourthly and finally, saying that theologians are optimistic Postmillennialists (even if it were true) is not an argument against theonomy. Nowhere does Birnie give his readers any reason at all to think that postmillennialism is false (even if it is false). As with argument 4, Birnie simply describes a view and does not argue against it, but simply hopes that his readers will find it disagreeable, and this is no rebuttal at all.

## Conclusion

Birnie has not done what he set out to do. He claimed to be “testing the foundations” of theonomic ethics, yet he has not done this anywhere in his article. The foundation of theonomic ethics is that the Bible teaches (so the theologians argue) that the Law of God has abiding validity today, and that modern governments have an obligation to enforce its civil precepts. Birnie never gave his readers any reason to think that the Bible does not teach this, and so he has not challenged the foundation of theonomic ethics.

There are other issues related to the debate over theonomy, and I do not wish to suggest that what I have presented here is an even nearly complete case for theonomy. I have only addressed issues that Birnie himself raised.

Perhaps my comments on Birnie’s article have seemed altogether negative. That is only because the purpose of this very short piece has been to point out the deficiencies of Birnie’s case against theonomy. As noted, however, his approach is better than that of many. One thing that we can be grateful to him for is the way he is willing to acknowledge many good features of theonomy. I think that his closing remark in particular very well sums up the theonomic disappointment with much of modern evangelicalism in the west:

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<sup>3</sup> Greg Bahnsen, *No Other Standard: Theonomy and Its Critics* (Tyler: Institute for Christian Economic, 1991), 7, footnote 12.

However, it must be wondered whether the theonomists might be right in arguing that even many evangelical Christians now lack either the moral courage or the intellectual means to argue for the more widespread application of God's standards to the wider society outside of the church.