Contemporary evangelicals have largely dismissed the tripartite division of the Mosaic Law despite the depth of its roots in Reformed theological history. The most recent trend is a part of a scholarly reaction to the New Perspective on Paul: the proposition that Paul viewed the Law as an indivisible unity, one of the flagship arguments of New Covenant Theology proponents.¹ This paper argues for the validity of the old threefold division, especially in light of the history of redemption. The main arguments supporting this approach will be evaluated first in the Old Testament, and then in the Gospel narratives and the Epistles. Finally, the classic claim that the tripartite division arose in the High Medieval period will be briefly addressed.

**The Threefold Division of the Law in the Old Testament**

One of the most striking facts regarding the Decalogue is its distinctive treatment in the Pentateuch. The proponents of the threefold division of the Law generally emphasize this point. Ross, for example, states that “the Decalogue’s self understood, divinely-uttered, lapidary, apodictic, and constitutional status marks it out as a distinctive collection of laws that in the Pentateuch for ever bind all.”² The famous


statement “and he added no more” following the Deuteronomy narrative of the giving of the two tables (Deut 5:22, cf. also 4:2) supports the idea of such a special role. This certainly explains why the Ten Words had a prominent importance in Jewish worship - perhaps even more than the Shema- during the second temple period.

Another argument lies in the content of the Decalogue itself: did this set of ordinances constitute a new law, an evolution of some of God’s forensic principles, or the direct reenacting of ageless rules? Most of the heirs of the Reformation would have answered with the third option. Thomas Boston, for example, stated:

The law of the Ten Commandments, being the natural law, was written on Adam’s heart on his creation… it became the law of works, whereof the Ten Commandments were, and are still the matter… [This law] can never expire or determine…[It] is obligatory in all possible states of the creature, in earth, in heaven or hell.

There are in fact obvious connections between the Decalogue and the creation narrative. God creates the universe by speaking, and he gives the Law to Israel in the same way. Even Yahweh roots the fourth commandment in his seventh day rest (Ex 20:11). Nevertheless, those who reject the tripartite division argue that no explicit statement in the Pentateuch supports the identification of the Ten Words with natural law.

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3Unless otherwise noted, the English Standard Version will be used in this paper.


Many conservative scholars follow this approach and prefer to see in them a progression of the principles written on the heart of man at creation. Yet, Gen 26:5, “Abraham obeyed my voice and kept my charge, my commandments (מִצְוָה), my statutes (חֻקָּה), and my laws (תּוֹרָה),” rather support the existence of a comprehensive understanding of God’s law before the Sinai episode. Thus, the Decalogue is no simple anachronism: “it carries significance for the understanding of the Law in the pre-Sinai period.”

Thomas Aquinas argues that the words used in Deut 4:13-14 indicate the existence of ceremonial and moral commands within the Law. Walter Kaiser expresses a similar opinion based on the use of נָשִׁיָּן in Ex 21:1. Braulik’s uses a similar argument and notes that Deut 4:13-14 stress the contrast between the Ten Words and the laws that were to be obeyed “in the land.” The distinction between civil and ceremonial ordinances is also implicit in this passage: in fact, only the judicial commandments were to be obeyed in the land (Deut 4:5, 14; 5:31; 6:1; 12:21). Purity regulations were centered on cultic practices around the tabernacle and thus were in use in the desert. Thus, the threefold division is clearly in view in Deut 4.

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7 This is a classic feature of New Covenant Theology. See Tom Wells and Fred G. Zaspel, New Covenant Theology (Frederick: New Covenant Media, 2002), 118.


9 Aquinas argues that the mention of נָשִׁיָּן in Deut 6:1 (which he understands as “judgments”) refers to judicial precepts. Thus, the use of נָשִׁיָּן alongside קְרֵא (“precepts”) and קַר (“ceremonies”) implies that “we must therefore distinguish three kinds of precept in the Old Law. Thomas Aquinas, Summa Theologica I-II. 99. 3-4, [on-line]: accessed 15 March 2015; available from http://www.newadvent.org/summa/2099.htm; Internet.

10 For Kaiser, this term would have suggested a division in the Mosaic Law to the ancient hearers Walter C. Kaiser, Toward Old Testament Ethics (Grand Rapids, Mich.: Zondervan, 1983), 43-47.

Finally, another argument raised by Kaiser is worth noting. According to him, the frequent appeal for mercy and not for sacrifice (Hos 6:6; Jer 7:21-23; Mic 6:8; 1 Sam 15:22-23; Ps 51:17) indicates “a deliberate priority and ranking in the legal injunctions that had been given by Moses.” 12 This may explain why the Rabbis distinguished between “heavy” and “light” commands, a distinction apparently accepted by Jesus (Luke 10:28; cf. Matt. 22:34–40; Mark 12:28–34). Moral commands obviously fell within the “heavy” category. 13 Consequently, there are good reasons to assert that the Ten Commandments represent a distinct category of ageless moral precepts, distinguished from ceremonial and judicial regulations, and to which every human must give personal, entire, exact, and perpetual obedience.

The Threefold Division of the Law in the Gospel Narratives

When the debate turns to the Gospel narratives, the issue of the Sabbath comes immediately to mind. From the time of the Reformation, the fourth commandment has generated an impressive volume of discussion, which was recently reignited with the publication of Carson’s influential volume From Sabbath to Lord’s Day. 14 Virtually all who reject the concept of a Christian Sabbath discard also the tripartite division of the Law. At the same time, the overwhelming majority opinion remains that Jesus was fully obedient to the sabbath, which sounds like a messianic upholding of the fourth

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Collected Essays (N. Richland Hills, TX: BIBAL Press, 1994). 7


13 Ross, 18.

commandment. Pancaro reminds that the Pharisees tried to accuse Jesus of “being ἁμαρτωλός” because of his “persistent disregard for the Sabbath.” However, they “fail to prove their point.” In other words, nothing in Jesus attitude favors any kind of discontinuity concerning the Decalogue and the Sabbath in particular.

Several scholars, however, have assimilated the Sabbath to purity laws, and on this basis have made a case for discarding it. If every commentator agrees that Christ’s attitude breaks with Mosaic regulations in this area, they offer different explanations. In the Gospel narratives, Jesus touches and is touched by unclean people, one example being the healing of the leper in Mark 1:40-45. These unclean contacts raise the issue of Jesus’ personal purity, and in fact nothing is said regarding his own cleansing after such encounters. Some have seen in this a proof of the ceremonial law’s obsolescence. However, if he had repudiated these ordinances, it would have been a point on which his Jewish opponents could have put weight. The silence of the text advocates obedience rather than non-observance. Therefore, the Gospel narratives point to Jesus’ conformity to the Law as a whole, including the Leviticus ritual ordinances.

Despite Christ’s commitment to purity laws, his attitude toward unclean food

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16 Following this miracle, Jesus orders the healed man to show himself to the priest, in conformity with Lev 14:1-9. Thus, the few views arguing that Jesus was not concerned or disobeyed cultic piety has little support. Cf. Ross, 174-76.


is puzzling. Christ’s declaration in Mark 7:15, “There is nothing outside a person that by going into him can defile him, but the things that come out of a person are what defile him,” appears to be in direct contradiction with the prescriptions of Lev 11. Several explanations have been advanced,¹⁹ the most likely being certainly that of a messianic appeal to creation, as Ross explains:

> Behind Jesus’ statement lies a theological presupposition that gives logical priority to creational norms, similar to what was reflected in his statement concerning divorce – ‘from the beginning it was not so” (Matt 19:8)… The Levitical law itself suggests that no animal was intrinsically clean or unclean since contact with the carcass of either an unclean or a clean animal that became unclean by its cause of death, rendered Israelites unclean until evening (Lev 11:28; 39-40).²⁰

Ross adds that no judicial reparation was demanded for those who ate unclean food, showing that sin and ethical defilement were not at stake here. He concludes that “contact alone does not defile; rejection of God’s command does, and such rebellion always come from within.”²¹ Consequently, when he recounts that Christ “declared all food clean,” Mark indicates that Jesus sees a distinction between moral and cultic commands. The former – ageless - are rooted in creation while the others were set only for a specific time. This approach fits well with Peter’s vision (Acts 10:9-16), especially


²⁰Ross, 183-84.

²¹Ibid., 185.
in light of the divine declaration: “What God has made clean, do not call common.”

Matthew 5:17-48 is probably the most important passage to deal with in this discussion. The volume of debate about the Sermon of the Mount is so important that the space devoted to this paper does not allow a comprehensive treatment of all the different approaches. The best way to understand Matt 5 is certainly the classic interpretation, namely that Jesus’ purpose is to oppose Pharisaic distortions of the Mosaic Law. Christ’s reference to “these commandments” in verse 19 is a reference to the moral commands of the Mosaic Law. This interpretation fits well with the requirement of the kingdom: a righteousness that must exceed that of the scribes and Pharisees (v.20). Thus, in the six antitheses of Matt 5:21-48, Christ repeatedly illustrates the contrast he has instituted in v.20 by “setting forth deficient Pharisaic righteousness over against the requisite kingdom righteousness.” Jesus, introducing himself as the eschatological fulfillment of the law and the prophet (v.17), confirms the moral ordinances of the Mosaic Law and rejects Pharisaic misinterpretation.

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22 However, it is worth mentioning Carson’s contribution, which has proved to be deeply influential among New Covenant Theology thinkers. According to Carson, “just as Jesus fulfilled OT prophecies by his person and actions, so he fulfilled OT law by his teaching.” (144) Carson introduces Christ’s teaching as the eschatological fulfillment of the teaching of the law. Thus, for him, the law of Christ fulfills the Law of Moses, and Christians are not bound anymore to the Ten Words. See Carson, “Matthew,” in Frank E. Gaebelein and J. D. Douglas, The Expositor’s Bible Commentary: With the New International Version of the Holy Bible. Vol. 8, Matthew, Mark, Luke (Grand Rapids: Regency Reference, 1984), 140-62.


The Threefold Division of the Law in the Epistles

Several commentators have argued that the Epistle to the Hebrews focuses almost exclusively on the cultic dimension of the Law.\textsuperscript{25} There is certainly some truth in this assertion, however it should not be pushed to the extreme.\textsuperscript{26} Nevertheless, the tabernacle and its associate rituals are presented as copies and shadows of heavenly things, in Hebrews (Heb 8:5; 9:23; 10:1), mainly because Moses reported these things according to the “pattern he saw on the mountain” (Heb 8:5; Ex 25:40). These ceremonial shadows pointed to the reality of the heavenly things signified, but also to “the good things to come” (Heb 10:1), that is the reality of Jesus self-offering. The redemptive Christ epitomizes these “good things”: he comes with a better covenant, he is greater than all the high priests, and his sacrifice is better than any other that have been offered under the Mosaic covenant. The book of Colossians also shares the theme of cultic ordinances as shadows and copies limited in time to Christ’s mediation (Col 2:16-17).\textsuperscript{27}

In Eph 2:14-16, Christ is depicted as having broken “in his flesh” the dividing wall of hostility between Jews and Gentiles. He did this “by abolishing the law of commandments expressed in ordinances,” in order to reconcile them “in one body through the cross.” As one might expect, the opponents of the tripartite division reject the

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\textsuperscript{26}For example, if the anonymous writer had only ceremonial commandments in mind when he deals with the New Covenant (Heb 8:1-13), his argument would have made little sense.

\textsuperscript{27}Despite the controversy regarding the background of the “Colossian heresy,” it is unlikely that Col 2:16 refers to non-Jewish ritual or syncretistic ritual (contra O’Brien), especially in light of the mention of these practice as shadows in v.17. Peter Thomas O’Brien, \textit{Understanding the Basic Themes of Colossians, Philemon}, Quick-Reference Bible Topics (Dallas: Word Pub., 1991), 138-40.
\end{flushright}
idea that anything other than the Mosaic Law as a whole could be in view here. However, the idea that the moral commandments contributed to the division of Jews and Gentiles seems unlikely, since some of them at least were understood by Gentiles to apply to every time and place (see comments on Rom 2:14-15). The laws separating Jews and Gentiles were those specifically ordained to vindicate the holiness of God through Israel’s divine election and to regulate his approach to God. The enmity between Jewish and Gentiles has to go because “the dividing wall of hostility,” that is the purity laws, has gone.

There is thus a part of the Law that is not binding anymore on Christians, but at the same time an entire section remains. Throughout the centuries, theologians holding the idea that the natural law was written on all human hearts often quoted Rom 2:14-15 as proof text. This understanding has been challenged since the nineteenth century by various critical scholars, and more recently by proponents of the New Perspective. N.T. Wright, for example, asserts that Paul restricts his point to Gentile Christians, and he is not alone: despite his general rejection of the New Perspective, Simon Gathercole follows his footsteps. However, it seems improbable that the apostle has only in mind a small


part of humans when he states that they “by nature do what the law requires,” the concept of a pre-Sinai law being firmly established in the Old Testament. Surprisingly, most commentators do not even consider this idea and focus almost entirely on a possible allusion to Jer 31:33. The “threefoldist” Tom Schreiner even feels obliged to appeal to a Pauline borrowing of “the popular Greek conception of a natural law written on the heart.” There is little reason to follow the idea that Rom 2:15 alludes to Jer 31:33. In fact, this is not the law, but “the work of the law” that is written in Gentiles hearts. The reference to conscience also makes perfect sense if the natural law is in view. Thus, Gentiles’ conscience “proves that they are keenly aware of moral norms that accord with the Mosaic law,” What Paul argues in this section is that both Gentiles and Jews will be judged according to the same natural law enshrined in the Ten Commandments.

Following this understanding, John’s statement that “sin is the transgression of the law” (1 John 3:4, KJV) is to be understood as the infringement of the moral law. The definition of sin is not fluctuating depending on the period of the history of redemption: whether it was a pre-lapsarian or post-lapsarian, pre-Sinai or post-Sinai, pre-Pentecost or post-Pentecost action, sin consisted in the breaking of the Decalogue. The knowledge of sin coming through the law only makes sense in light of this definition

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34Ibid., 123.

The Threefold Division: A Middle Age Innovation?

According to Carson and Bauckham, the tripartite distinction “probably does not antedate Aquinas.” However, if to some extent Thomas Aquinas is to be credited for the coherent formulation of this position, he is certainly not its originator. In fact, he did not view his work as a departure from the inheritance of the Patristic era on this issue. The discussions on the law in his Summa rely heavily on Augustine’s treatise Contra Faustum, in which a clear distinction between the moral and the ceremonial ordinances is made. Tracing the origin of the tripartite division of the law is certainly not easy. However, an embryonic form of this doctrine exists in the thoughts of Justin Martyr, Origen, and perhaps also in Iranaeus, Clement of Alexandria, and Tertullian.

Conclusion

The doctrine of the threefold division of the Law did not arise in a vacuum. Its

36 Carson, Matthew, 143. Carson refers to R. Bauckham without quoting the exact reference, but it seems that Bauckham did not choose a wording so affirmative. Richard J. Bauckham, “Sabbath and Sunday in the Medieval Church in the West,” in Carson, From Sabbath to Lord’s Day, 305-306.

37 About twenty years before the writing of the Summa, John of La Rochelle distinguished between moralia, iudicialia, and ceremonialia purposes of the Law in his Tractatus, a text certainly known by Aquinas. See Stephen J. Casselli, “The Threefold Division of the Law in the Thought of Aquinas,” Westminster Theological Journal 61 no. 2 (Fall 1999): 199.


41 See Ross, 20-25.
roots can be traced in the Old Testament and Christ upheld it through his ministry and his
teaching. The reconciliation between Jews and Gentiles in the New Covenant is built on
this doctrine, and the apostles based on it the moral responsibility of all mankind.
Furthermore, the tripartite view is certainly not, as some have claimed, a High Middle
Ages innovation. Thus, despite the multiplicity of contemporary critics, there are good
reasons for continuing to holds the old threefold division as an essential doctrine
grounded in the history of redemption and a useful framework to understand the relation
between Law and Gospel.
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