

Positive Law in Protestant, Puritan, and Particular Baptist Theology
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I. Natural and Positive Law Defined and Biblically Defended

- *Natural law refers to the universal moral law of God impressed on the mind of man.*
- *Positive law refers to indifferent things prescribed or proscribed for a particular time, place, and people.*
- Romans 2:14-15; Hebrews 9:10; 1 Corinthians 7:19; 11:1-2; Philippians 4:8-9

II. Positive Law in Protestant and Puritan Theology

Heinrich Bullinger

“The law of nature is an instruction of the conscience, and as it were a certain direction placed by God himself, in the minds and hearts of men, to teach them what they have to do, and what to eschew.”¹

Ecclesiastical laws are “taken out of the holy scriptures, and not invented or brought to light by the wit of man; they are used [by] that church which heareth the voice of the shepherd alone and knows a stranger’s tongue.”²

“Ecclesiastical laws have their measure and certain marks, beyond which they may not pass, to wit, that nothing be done or received contrary or differing in any jot from the word of God...If therefore any man shall go about under a colored pretense of ecclesiastical laws to bring in and pop into the mouths of the godly any superstitious, busy, and unseemly traditions of men, which withal do differ from the Scriptures, their part shall be first, [to] try [it] by the rule of God’s word, and then [to] reject it.”³

John Calvin

¹ Heinrich Bullinger, *Fiftie Godlie and Learned Sermons, Divided Into Five Decades, Containing The chiefe and principall points of Christian Religion, written in three seuerall Tomes or Sections* (trans. H.I., student in divinity; London: Ralph Newberie, 1587), 100. (2:1). The language in this, and subsequent, quotations has been updated for ease of reading.

² Bullinger, *Decades*, 108.

³ Bullinger, *Decades*, 108. Amandus Polanus distinguished between God’s general, perpetual, moral law and God’s law for a certain time in a certain place for a certain people. Amandus Polanus, *The Substance of Christian Religion* (London: Arn Hatfield, 1600), 107, 119.

“I know how difficult it is to persuade the world that God disapproves of all modes of worship not expressly sanctioned by His Word...Every addition to His word, especially in this matter, is a lie. Mere ‘will worship’...is vanity. This is the decision, and when once the judge has decided, it is no longer time to debate.”⁴

Wolfgang Musculus

Natural law is “That light and judgment of reason whereby we do discern betwixt good and evil. Thomas Aquinas says that the law of nature is nothing else, but the participation of the eternal law, in a reasonable creature.” He added, “We be contented with this short definition, and as for them that seek a busier, let them go to others for it.”⁵

Zacharias Ursinus

“The Church may and ought to ordain ceremonies [i.e., circumstances]...They must be such ceremonies as are...agreeable to the word of the Lord, they must not be superstitious, so that we must not think them necessary to be done.”⁶

Henry Jacob

“All matters merely ecclesiastical which are lawfully imposed upon any church, are such as may be concluded necessarily from the written word of God. All human ordinances used only or specially in God’s worship, whereunto they are not necessary of themselves, are simply unlawful.”⁷ “No man has authority to bring into the service of God any ceremony merely ecclesiastical, of mystical signification. The ceremonies in controversy are not indifferent, but contrary to the word of God.”⁸

⁴ John Calvin, *The Necessity of Reforming the Church: Presented to the Imperial Diet at Spires, A.D. 1544* (trans. H. Beveridge; Philadelphia: Presbyterian Board of Publication, 1844), 17.

⁵ Musculus, *Common Places of Christian Religion* (trans. John Man; London: Henry Byneman, 1578), 68-69.

⁶ Zacharias Ursinus, *The Summe of Christian Religion* (trans. Henrie Parrie; London: H.L., 1617), 1004.

⁷ Henry Jacob, *A Christian and Modest Offer of a Most Indifferent Conference, or Disputation, About the Maine and Principall Controversies Betwixt the Prelats, and the Late Silenced and Deprived Ministers in England* (n.p., 1606), 1.

⁸ Henry Jacob, *A Christian and Modest Offer*, 3.

William Ames

“The parts of religion are two; natural worship, and voluntary or instituted worship...Instituted worship is the means ordained by the Will of God, to exercise and further natural worship...This worship [depends] upon the most free institution of God...No worship of this kind is lawful, unless it hath God for the Author, and ordainer of it...There is opposed unto this instituted worship, as unlawful, that will-worship which is devised by men.”⁹

John Barret

“The law of nature in special enjoins what is good, or forbids what is evil, in their own natures. Positive laws are conversant about things neither good, nor evil in themselves, things of a middle nature, which yet become good when commanded by God, and evil when forbidden.”¹⁰

III. Positive Law in Particular Baptist Theology

1. *Positive Law in Confessional Theology*

- 1.1, 6; 2.2; 4.2-3; 6.1; 7.1; 19.1-3; 21; 22.1-2, 7; 23.1, 3, 5; 26.4; 28-30

2. *Positive Law in Polemical Theology*

Edward Hutchinson

“You dare not offer strange fire to the Lord, which he hath not commanded, nor profane an Ordinance; you know that Baptism (being a part of instituted worship, not found in nature’s garden) has of itself no virtue, but what it receives from the institutor.”¹¹

⁹ Cf. William Ames, *The Marrow of Sacred Divinity* (London: Edward Griffin, 1642), 249, 307-315.

¹⁰ John Barret, *God’s Love to Man, and Man’s Duty towards God: Manifested in several Discourses on the Covenants of Works and Grace. Wherein divers Propositions are laid down, and sundry Cases resolved* (London: Jonathan Robinson, 1678), 35.

¹¹ Edward Hutchinson, *A Treatise Concerning the Covenant and Baptism Dialogue-wise, between a Baptist & a Poedo-Baptist, Wherein is shewed, That Believers only are the Spirituall Seed of Abraham; Fully discovering The Fallacy of the Argument drawn from the Birth Priviledge* (London: Francis Smith, 1676), v of an unpaginated preface.

Benjamin Coxe, William Kiffin, and Hanserd Knollys

“Religious worship, for which there is no command nor example in Scripture of truth, is will-worship and unlawful.”¹²

Thomas Porter’s reply was that there was an implicit command in the text.

Edmund Calamy’s reply was, “For if a thing by just consequence, by necessary consequence, whatever it be, [be] proved out of the Scripture...though there be no command, nor no example, yet it is Scripture, as much as if there was command or example.”¹³

The three Baptists replied, “The time was, when Mr. Cal. and his Brethren did think, that this was a good Argument against the Crosse in baptism, because there was no command nor example for it in the Scripture; and it was an adding to the Word...and therefore it was sinne.”¹⁴ “And we dare not but tell the people, that if they will believe Mr. Cal. and his brethren, that...whatsoever they can prove by their necessary consequences from Scripture, bindes their consciences...They will still be brought into as great an observance of the traditions of men, under the Classical Presbytery, as ever they were under Lordly Episcopacy.”¹⁵

Nehemiah Coxe

“In matters of positive right, we can have no warrant for our practice but from a positive precept: For things of this kind fall not within the compass of common light, or general principles of natural religion; but have their original from a particular, distinct, and independent will of the Law-giver: And therefore inferences built upon general notions may soon lead us into mistakes about them; if upon such inferences we form a rule to ourselves of larger extent than the express words of the institution do warrant.”¹⁶

¹² Benjamin Coxe, William Kiffin, Hanserd Knollys, *A Declaration Concerning the Publike Dispute...Concerning Infants-Baptisme* (London: n.p., 1645), 10.

¹³ Coxe, Kiffin, Knollys, *A Declaration*, 11.

¹⁴ Coxe, Kiffin, Knollys, *A Declaration*, 12-13.

¹⁵ Coxe, Kiffin, Knollys, *A Declaration*, 12. One is reminded of Milton’s famous phrase, “New Presbyter is but old priest writ large.” John Milton, *Poems upon Several Occasions* (London: James Dodsley, 1785), 326. The poem is entitled “On the new forcers of conscience under the Long Parliament.”

¹⁶ Cf. Coxe, *A Discourse of the Covenants That God made with Men before the Law* (London: J[ohn] D[arby], 1681), 131.