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In this Issue.

Gillespie on the question, "Did Judas Partake of the Lord's Supper?" 
Bacon: *The Old Testament Ecclesiastical Sanhedrin*  James Durham
on the Ninth Commandment.

by *Richard Bacon*

ur first article this month is by George Gillespie. Gillespie, one of the commissioners from the Kirk of Scotland to the Westminster Assembly, takes on the question of whether Judas partook of the Lord's Supper. The article is an excerpt from Gillespie's *Aaron's Rod Blossoming*, his masterful work devoted to the refutation of the Erastian error. The particular error that Gillespie was combating in this article is the idea that the church and her ministers do not have an intrinsic authority from the Lord to exercise the keys of the kingdom in excommunicating the unrepentant. While the sort of Erastianism that was represented at the Westminster Assembly does not necessarily impact many churches in this country, this particular excerpt is interesting for its study of the distinction that church governors must make between the church and the world.

The article that begins on page 17 is a further excerpt from my dissertation on ecclesiastical government. This particular selection actually began as an appendix to the first volume to demonstrate that there actually was an ecclesiastical government in the Old Testament that was distinct from the civil government. The article demonstrates from Scripture and from many Reformed commentators that this is, and has been, the Reformed understanding for many years. Those who claim that the Old Testament government was the same for both church and state (such as Verduin in his *The Anatomy of A Hybrid*) have simply ignored what the Old Testament says about its own government.

James Durham was another 17th Century Scottish divine who, like Gillespie, was prolific beyond the number of years the Lord gave him upon this earth. In typical Puritan style, Durham explains the ninth commandment as it pertains to every aspect of our lives. His is a refreshing antidote to the sophistry of many in the church today who regard truth-telling as primarily situational. 

Did Judas Partake of the Lord's Supper?

The following text is from: George Gillespie, *Aaron's Rod Blossoming, or the Divine Ordinance of Church Government Vindicated, Book 3, Of Excommunication from the Church, and of Suspension from the Lord's Table, Chapter 8, "Whether Judas Received The Sacrament Of The Lord's Supper."* (Works, Armoury edition, 1844, pp. 204-216). Originally published, 1646. This edition of the text, Copyright © 2001, Chris Coldwell.

By George Gillespie. Copyright © 2000 Chris Coldwell.



r. Prynne has filled up a good part of his *Vindication* with the case of Judas,¹ as going very far in the deciding of this present controversy. But as Protestant writers answer the Papists in the case of Peter, that it cannot be proved that Peter was ever bishop of Rome, but rather that he was not; and if he had, this cannot prove the Pope's supremacy; the like I say of this case of Judas: Mr. Prynne shall never be able to prove that Judas did receive the sacrament of the Lord's supper; and if he could prove it, yet it shall not at all help that cause which he maintains.

I begin with the matter of fact, Whether Judas received the sacrament of the Lord's supper, as well as the other apostles, which is the question by him stated. For decision whereof I hold it necessary, first of all, that these two things be premised, concerning the harmony of the evangelists in that matter of Judas, the use whereof we shall see afterwards: Matthew and Mark tell us Christ's discourse of the traitor at table, and the discovery of Judas, before the institution of the sacrament; Luke has the same thing after the institution and distribution of the sacrament: so that either Matthew and Mark speak by anticipation, or Luke speaks by a recapitulation; that is, either Matthew and Mark

put before what was done after, or Luke puts after what was done before. Now that there is in Luke an [ύστερολογία], a narration of that after the institution which was indeed before the institution of the sacrament, may thus appear: —

1. That very thing which Luke places after the institution and distribution of the sacrament, Luke 22:21-23, "Behold the hand of him that betrayeth me is with me on the table. And truly the Son of man goeth as it was determined, but woe unto that man by whom he is betrayed. And they began to inquire among themselves which of them it was that should do this thing" — the very same thing do Matthew and Mark record before the institution of the sacrament (Matt. 26:21-26; Mark 14:18-22); and it is more credible that one of the evangelists is to be reduced to the order of two, rather than two to the order of one.

2. Especially considering that Luke does not relate the business of the last supper according to that order wherein things were acted or spoken, as is manifest by Luke 22:17, 18, "And he took the cup and gave thanks, and said, Take this and divide it among yourselves." This, though related before the taking and breaking of the bread, yet it is but by an anticipation or preoccupation, occasioned by that which had preceded, ver. 16, so to join the protestation of not drinking again, with that of not eating again the passover with his disciples; therefore Beza,² Salmeron,³ Maldonat,⁴ and others, following

¹ [William Prynne (1600-1669) had written an eight page tract addressed to the Westminster Assembly, *Four serious questions of grand importance, ...* (London, 1645). The *Vindication* is: *A vindication of four serious questions of grand importance ... from some misprisions and unjust exceptions lately taken against them; both in the pulpit, by a Reverend Brother of Scotland, in a sermon at Margarets Church in Westminster, before the honourable House of Commons, at a publike fast there held for Scotland, on the 5th of September last: and in the presse, by three new-printed pamphlets, by way of answer to, and censure of them ...* (London, 1645).]

² [Theodore Beza, Reformer (1519-1605). Probably *Annotiones ad Novum Testamentum*.]

³ [Alfonso Salmeron, Jesuit scholar (1515-1585), *Commentarii*.]

⁴ [Joannes Maldonatus, Spanish Jesuit (1534-1583). *Commentarii in quatuor Evangelistas* (Lyons, 1615).]

Augustine and Euthymius, do resolve it is an anticipation, even as Paul mentions the cup before the bread (1 Cor. 10:16). I know some understand the cup mentioned Luke 22:17, to be the paschal cup; others, to be the cup in the ordinary supper; but to me it is plain that it was the eucharistical cup. Yea, Mr. Prynne takes it so (p. 25), because that which Luke says of that cup, that Christ took it, and gave thanks, and gave it to the disciples, that they might all drink of it, and told them he would not drink with them any more of the fruit of the vine till the kingdom of God should come; all this is the very same which Matthew and Mark record of the eucharistical cup. Therefore our non-conformists were wont to argue from that place, that the minister ought not to give the sacramental elements to each communicant out of his own hand, but the communicants ought to divide the elements among themselves, because Christ says in that place, of the cup, "Divide it among yourselves."

3. Luke says not that after supper, or after they had done with the sacrament, Christ told his disciples that one of them should betray him; only he adds, after the history of the sacrament, what Christ said concerning the traitor. But Matthew and Mark do not only record Christ's words concerning the traitor before they make narration concerning the sacrament, but they record expressly that that discourse, and the discovery of the traitor, was [ἐσθίουτων αὐτῶν]: "As they did eat," Matt. 26:21; Mark 14:18, "Now, when the evening was come, he sat down with the twelve," and immediately follows, as the first purpose which Christ spoke of, "And as they did eat, he said, Verily I say unto you, that one of you shall betray me;" which could not be so, if Luke relate Christ's words concerning the traitor in that order in which they were first uttered; for Luke having told us, ver. 22, that Christ took the cup after supper and said, "This cup is the New Testament," &c., adds, "But behold the hand of him that betrayeth me is with me on the table." So that if this were the true order, Christ did not tell his disciples concerning the traitor, as they did eat (which Matthew and Mark do say), but after they had done eating. If it be said that

[ἐσθίουτων αὐτῶν] may suffer this sense, *when they had eaten, or having eaten*, I answer, The context will not suffer that sense; for they were, indeed, eating in the time of that discourse, Matt. 26:23, "He that dippeth his hand with me in the dish, the same shall betray me;" John 13:26, "He it is to whom I shall give a sop after I have dipped it."

4. Musculus, in *Loc. Com. de Coen. Dom*, p. 362,⁵ gives this reason out of Rupertus, why Luke's narration of Christ's words concerning the traitor, is placed by a recapitulation after the sacrament: because Luke is the only evangelist who writes distinctly of the paschal supper, and what Christ said at that supper; and having once fallen upon that purpose, the connection of the matter did require that he should immediately add the story of the eucharistical supper, without interlacing that of the traitor, which reason will pass for good with such as think Judas did eat of the paschal supper, and that Christ's words concerning him were spoken at the paschal supper, which I greatly doubt of.

5. Mr. Prynne, p. 18, in effect grants the same thing that I say; for he says, "That Matthew and Mark record, that immediately before the institution of the sacrament, as they sat at meat, Jesus said unto the twelve, Verily one of you shall betray me, whereupon they began to be sorrowful, and to say unto him," &c. He adds, "That Judas *was* the last man that said, Is it I? immediately before the institution," as Matthew records. But of Luke he says only thus much, that he "placeth these words of Christ concerning Judas's betraying him, after the institution and distribution of the sacrament, not before it." If it be thus, as Mr. Prynne acknowledges, that Matthew and Mark record that Christ had that discourse concerning Judas before the institution of the sacrament, then most certainly it was before the institution of the sacrament, because it must needs be true which Matthew and Mark say. Whence it will necessarily follow that Luke does not mention that discourse concerning Judas in its proper place, and this does not offer

⁵ [Wolfgang Musculus, Reformer (1497-1563). *Loci communes sacrae theologiae* (Basil, 1651).]

the least violence to the text in Luke, because he does not say that Christ spoke these words after the sacrament, only he places these words after the sacrament, as Mr. Prynne says rightly. When Scripture says that such a thing was done at such a time, it must be so believed; but when Scripture mentions one thing after another, that will not prove that the thing last mentioned was last done. More plainly, Mr. Prynne, p. 26-27, tells us that the sacrament was given after Christ had particularly informed his disciples that one of them should betray him, which he proves from John 13:18-28; Matt. 26:20-36; Mark 14:18-22; Luke 22:21-23. Whence it follows inevitably, by his own confession, that Matthew and Mark, recording that discourse about Judas after the sacrament, do place it in the proper order; and that Luke, mentioning that discourse about Judas after the sacrament, does not place it in its own place. This is the first thing which I thought good to premise, which will easily take off the strongest argument which ever I heard alleged for Judas's receiving of the sacrament, namely this, that Luke, immediately after the institution and distribution of the sacrament, adds, "But behold the hand of him that betrayeth me, is with me at the table." If these words were not uttered by Christ in that order wherein Luke places them (which I have proved), then the argument is not conclusive.

The second thing to be premised is this: That the story which we have, John 13, from the beginning to ver. 31, concerning the supper at which Christ discoursed of Judas and gave him the sop, after which he went immediately out, was neither in Bethany two days before the Passover, as the *Antidote Animadverted* tells us,⁶ p. 5; nor yet after the institution of the sacrament, as Mr. Prynne tells us, *Vindic.* p. 25, herein differing either from himself or his friend. That supper in Bethany, the pamphlet says, was two days before the Passover; but some interpreters collect from John 12:1, 2, it was longer before, Christ having come to Bethany six days before, and after that supper, the next day Christ did ride into Jerusalem on a young ass,

⁶ [*The Antidote Animadverted* (London, 1645). Attributed to Prynne and Gillespie assumes this as well (Armoury edition, 3.18. p. 269).]

and the people cried, Hosanna (John 12:12): the very story which we have, Matt. 21. Mark says, that two days before the Passover, the chief priests and scribes sought how to put Christ to death; but he does not say that the supper in Bethany was two days before the passover. But of this I will not contend, whenever it was, it is not much material to the present question; there was nothing at that supper concerning Judas, but a rebuking of him for having indignation at the spending of the alabaster box of ointment, and from that he sought opportunity to betray Christ. But the discourse between Christ and his apostles concerning one of them that should betray him, and their asking him one by one, "Is it I?" was in the very night of the Passover, as is clear, Matt. 26:19-26; Mark 14:16-22; so that the story, John 13:18-30, being the same with that in Matthew and Mark, could not be two days before the Passover; and if, two days before, Christ had discovered to John who should betray him, by giving the sop to Judas, how could every one of the disciples (and so John among the rest) be ignorant of it two days after, which made every one of them to ask, "Is it I?" Finally, That very night in which the Lord Jesus did institute the sacrament, the disciples began to be sorrowful, and began to inquire which of them it was that should betray him, Matt. 26:22; Mark 14:19; Luke 22:23. But if Christ had told them two days before, that one of themselves who did sit at table with him, should betray him, surely, they had, at that time, begun to be sorrowful, and to ask every one, "Is it I?"

That which has been said does also discover that other mistake, that the discourse at table, concerning the traitor and the giving of the sop to Judas, John 13, was after the institution of the sacrament. If it were after, then either that in John is not the same with the discourse concerning the traitor mentioned by Matthew and Mark, or otherwise Matthew and Mark speak by anticipation. But I have proved both that the true order is in Matthew and Mark, and that the discourse concerning the traitor, mentioned by John, must be in the evangelical harmony put together with that in Matthew and Mark, as making one and the same story. And if this in

John had been posterior to that in Matthew, then why does Mr. Prynne himself join these together as one (p. 18, 19)?

These things premised, I come to the arguments which prove that Judas did not receive the sacrament of the Lord's supper.

The first argument (which was by me touched in that sermon so much quarreled by Mr. Prynne)⁷ is this: It is said of Judas (John 13:30), "He then, having received the sop, went immediately out." But this sop, or morsel, was given him before the sacrament, whilst they were yet eating the other supper, at the end whereof Christ did institute the sacrament; therefore Judas went away before the sacrament. Let us hear Mr. Prynne's four answers to this argument (p. 24, 25). First, he says, Judas went not out till after supper (John 13:2); "And supper being ended," &c. *Ans.* [δέιπνου γενομένου] will not prove that the supper was fully ended. The Centurists (cent. 1, lib. 1, cap. 10),⁸ explain John 13:2 thus, *Magnâ, coenae hujus parte peractâ*: A great part of this supper being done. Yea, the Greek may be as well turned thus, "When they were at supper," as the late *English Annotations* have it.⁹ Ludovicus de Dieu chooses this sense;¹⁰ Salmeron and others prove it from ver. 4, "He riseth from supper," with ver. 12, He sat down again to supper, and dipped the sop. Take but two like instances in this same story of the passion, Matt. 26:6, [τῶ δὲ Ἰησοῦ γενομένου ἐν Βηθανίᾳ]: "Now when Jesus was in Bethany;" not, *After Jesus was in Bethany*. Matt. 26:20, [Ὁψίας δὲ γενομένης]: "Now, when the even was come;" not, *when the even was ended*. His second answer, that all the other three

evangelists prove that Judas was present at the sacrament, is but *petitio principii*.¹¹ Thirdly, he says, the sacrament was not instituted after supper, but as they sat at supper. *Ans.* It was, indeed, instituted while they were sitting at supper, or before they rose from supper, so that they were still continuing in a table gesture; yet the actions must needs be distinguished, for they did not, at the same instant, receive the sacrament, and eat of another supper too. And though it be said of the bread, that "as they did eat, Jesus took bread," yet of the cup Paul and Luke say, that Jesus took it "after supper;" that is, after they had done eating, therefore, certainly, after Judas got the sop and went away, at which instant they had not done eating. Neither is there any ground at all, Luke 22:17, to prove that he took the cup during supper, as Mr. Prynne conceives, but finding no strength herein, he adds, that some learned men are of opinion, that Christ had, that night, "first, his paschal supper, at the close whereof he instituted his own supper," 1 Cor 11:21, 22; secondly, an ordinary supper, which succeeded the institution of his own, in imitation whereof the Corinthians and primitive Christians had their love feasts, which they did eat immediately after the Lord's supper; and this is more than intimated, John 13:2, 12-31) &c., therefore Luke's *after supper, he took the cup*, must be meant only *after the paschal supper*, not the other supper."¹²

Ans. I verily believe that, beside the paschal and eucharistical suppers,¹³ Christ and his disciples had, that night, a common or ordinary supper, and so think Calvin and Beza upon Matt. 26:20; Pareus upon Matt. 26:21; Fulk on 1 Cor. 11:23; Cartwright, *Ibid.*, and in his *Harmony*, lib. 3, p. 173;¹⁴ Pelargus in John 13, quest. 2; Tossanus in

⁷ [This sermon of Gillespie's was evidently not ordered published.]

⁸ [*Centuriae Magdeburgenses* (Basil, 1559-74).]

⁹ [*Annotations upon all the books of the Old and New Testament: wherein the text is explained, doubts resolved, Scriptures paralleled and various readings observed / by the joynt-labour of certain learned divines, thereunto appointed, and therein employed, as is expressed in the preface* (London: Printed by John Legatt and John Raworth, 1645).]

¹⁰ [Louis de Dieu, Reformed preacher commentator and linguist (1590-1642). Gillespie is probably referring to de Dieu's *Animadversiones sive Comment. In quatuor Evangelia, in quo collatis*. See also the collected works edited by Leydecker, *Animadversiones in loca quaedam difficiliora V. et N. Testamenti* (1693).]

¹¹ [The logical fallacy of begging the question, i.e. the truth of the conclusion is assumed in the premise.]

¹² Tertullian, *Apolog.*

¹³ [See Gillespie's comments along this same subject in *English Popish Ceremonies* (Dallas, TX: Naphtali Press, 1993) 436ff. Or Part 4 Chapter 6 Section 4 in earlier editions.]

¹⁴ [David Paraeus, German Reformed Theologian (1548-1586). *Works* (1647, 3 vols.). William Fulk, Puritan divine (d.1589). *Rhemes Translation of the New Testament, and the authorized English Version, with the arguments of books, chapters, and annotations of the Rhemists, and Dr. Fulke's Confutation of all such arguments, glosses, and annotations* (1580; Cambridge, 1843). Thomas

Matt. 26;¹⁵ Tolet and Maldonat upon John 13:2;¹⁶ Jansenius, *Conc. Evang.*, cap. 131;¹⁷ and divers others. I am very glad that Mr. Prynne grants it; and I approve his reason that, in the paschal supper, we read of no sops, nor ought to dip them in. The Jews, indeed, tell us of a sauce in the passover, which they call *charoeth*; but, I suppose, Christ kept the passover according to the law, and did not tie himself to rites which had come in by tradition. I could bring other reasons to prove an ordinary supper, if it were here necessary. But what gains Mr. Prynne hereby? Surely he loses much, as shall appear afterwards.

2. Whereas, he thinks the common supper at which Christ did wash his disciple's feet, and discover Judas, and give him the sop, was after the sacrament, as I know not those learned men that think as he does in this point, so it is more than he can prove. The contrary has been proved from Matthew and Mark, who record that the discourse concerning Judas, was while they were eating that supper which preceded the sacrament; so that the giving of the sop to Judas must be before the sacrament. But after the sacrament, both Matthew and Mark do immediately add, "And when they had sung an hymn, they went out into the Mount of Olives."

3. As for that of the Corinthians, the very place cited by himself makes against him, 1 Cor. 11:21; for when they came together to eat the Lord's supper, every one did [*προλαμβάνειν*] first take his own supper, and that in imitation of Christ, who gave the sacrament after supper; so

Aquinas, Lyra,¹⁸ and others, following Augustine. This taking first, or before, has reference to the sacrament; because it is spoken of every one who came to the Lord's table, "Every one taketh before his own supper," which made such a disparity, that one was hungry, and another drunken, at the sacrament, the poor having too little, and the rich too much, at their own supper.¹⁹

4. The example of the ancient Christians will help him as little. I find no such thing in Tertullian's *Apologetic*, as the eating of the love feasts immediately after the Lord's supper. But I find both in the African Canons²⁰ and in Augustine,²¹ and in Walafridus Strabo,²² that once in the year (and oftener by divers) the sacrament was received after the ordinary meat, for a commemoration of that which Christ did in the night wherein he was betrayed. It had been formerly in use among divers to take the sacrament ordinarily after meat, till the African Council discharged it, as Laurentius de la Barre observes in the notes upon *Tertullian* (p. 339, Paris edit., 1580). Augustine (epist. 118, cap. 5, 6), answers certain queries of Januarius, concerning eating or not eating before the sacrament. He says that Christ did indeed give the sacrament after supper, and that the Corinthians did also take it after supper; but that

Cartwright (1535-1603), *Commentaria Practica in totam Historiam Evangelicam* (1630, English, 1650).]

¹⁵ [Christopher Pelargus, German Protestant theologian (1565-1633), *In sacrosanctam S. Johannis apostoli et evangelistae historiam evangelicam commentarius per quaesita & responsa ex antiquitate orthodoxa magnam partem erutus* (Francofurti: Sumtibus Johannis Thymii biblioplae, typis Nicolai Voltzii, 1615). Daniel Tossanus, French Protestant minister & commentator (1541-1602), *D. Danielis Tossani in tres evangelistas Matthaum, Lucam, Iohannem commentarii* (Hanoviae: ... Iohannis Aubrii, 1606).]

¹⁶ [Francisco de Tolet (Toledo), Spanish Cardinal (1532-1596) *In Joannis Evangelium* (Rome, 1588). Maldonat, *ibid.*]

¹⁷ [Cornelius Jansen, Belgian (Roman Catholic) theologian (1510-1576), *Concordia Evangelica et ejusdem Concordiae ratio* (Louvain, 1549).]

¹⁸ [Nicholas de Lyra (1270-1340). *Postillae perpetuae in universa Biblia* (Antw., 1634, 6 vols.)]

¹⁹ Magdeb., cent. 1, lib. 2, cap. 6, 384, edit. 1624. *Apud Corinthios invaluerat ille abusus, ut ante coenam Dominicam. inter se concertarent; et alii ibi suas coenas instruerent et benepoti coenam Domini acciperent.* [*Ibid.*]

²⁰ Cod. Canon. Eccl. Afric., can. 41. – *Ut Sacramenta altaris non nisi a jejunis hominibus celebrentur, excepto uno, die anniversario, quo coena dominica, celebratur.*

²¹ August., epist. 118, cap. 7. – *Sed nonnullos probabilis quaedam ratio delectavit, ut uno certo die, per annum quo ipsam coenam Dominus dedit, tanquam ad insigniorem commemorationem, post cibos offerri et accipi liceat corpus et sanguinem Domini, &c., hoc tamen non arbitror institutum, nisi quia plures et prope omnes in plerisque locis eo die coenare consueverunt.*

²² Walafridus Strabo *de Reb. Eccl.*, cap. 19. – *Hoc quoque commemorandum videtur, quod ipsa sacramenta quidam interdum jejuni, interdum pransi percepisse leguntur.* He tells us out of Socrates that the Egyptians, near Alexandria, as likewise those in Thebais, did often take the sacrament after they had eaten liberally. [Walafrid Strabo, 9th century Benedictine abbot, theologian, and poet (808-849). *Liber de exordiis et incrementis quarundam in observationibus ecclesiasticis rerum* (Cologne, 1568).]

the Scripture has not tied us to follow these examples, but left us at liberty. And, upon this ground, he defends the church's custom at that time of taking the sacrament fasting, for greater reverence to the ordinance. But in this he speaks plainly,²³ that when Christ was eating with the disciples, and telling them that one of them should betray him, he had not then given the sacrament. With Augustine's judgment agrees that epistle of Chrysostom, where, answering an objection which had been made against him, that he had given the sacrament to some that were not fasting, he denies the fact, but adds, if he had done so it had been no sin, because Christ gave the sacrament to the apostles after they had supped. [Καθελέτωσαν αὐτὸν τὸν κύριον ὃς μετὰ τὸ δειπνῆσαι τὴν κοινωνίαν ἔδωκε]: Let them depose (he says) the Lord himself, who gave the communion after supper. In commemoration whereof the ancient church (even when they received the sacrament fasting at other times, yet) upon the passion day, called Good Friday, received it after meals, as I proved before. And this I also add by the way, that though Paul condemns the Corinthians for eating their love feast in the church, yet he allows them to eat at home before they come to the Lord's table, as the Centurists (cent. 1, lib. 2, cap. 6, p. 384),²⁴ prove from 1 Cor. 11:34, "And if any man hunger, let him eat at home; that ye come not together unto condemnation." Casaubon (exerc. 16, p. 367, edit. Franco. 1615),²⁵ thinks it was in imitation of Christ's example that those Egyptians mentioned by Socrates did take the sacrament at night, after they had liberally supped, [παντοίων ἐδεσμάτων ἐμφορηθέντες]: being filled with all sorts of meats.

I conclude, therefore, that when Luke says, "After supper he took the cup," the meaning is, after both paschal and common supper, and that there was no other eating after the sacrament that night, and so, consequently, the giving of the

sop to Judas must needs be before the sacrament; and his going out immediately after the sop, proves that he did not receive the sacrament.

But Mr. Prynne gives us a fourth answer, which is the last (but a very weak) refuge. The word "immediately (he says), many times, in our common speech, signifies *soon after*, or *not long after*, as we usually say we will do this or that immediately, instantly, presently, whereas we mean only speedily, within a short time." Ans. 1. This is no good report which Mr. Prynne brings upon the English tongue, that men promise to do a thing *immediately*, when they do not mean to do it *immediately*. I hope every conscientious man will be loath to say *immediately*, except when he means immediately (for I know not how to explain *immediately*, but by *immediately*); and for an usual form of speaking, which is not according to the rule of the word, it is a very bad commentary to the language of the Holy Ghost. 2. And if that form of speech be usual in making of promises, yet I have never known it usual in writing of histories, to say that such a thing was done *immediately* after such a thing, and yet divers other things intervened between them. If between Judas's getting of the sop and his going out, did intervene the instituting of the sacrament, the taking, blessing, breaking, distributing, and eating of the bread; also the taking and giving of the cup, and their dividing it among themselves, and drinking all of it; how can it then be a true narration that Judas went out immediately after his receiving of the sop? 3. Neither is it likely that Satan would suffer Judas to stay any space after he was once discovered, lest the company and conference of Christ and his apostles should take him off from his wicked purpose. 4. Gerhardus having in his *Common Places*, given that answer, that the word *immediately* may suffer this sense, that shortly thereafter Judas went forth, he does professedly recall that answer in his *Continuation of the Harmony*, cap. 171, p. 453, and that upon this ground, because Judas being mightily irritated and exasperated, both by the sop and by Christ's answer (for when Judas asked, "Is it I?" Christ answered, "Thou hast said"), would certainly

²³ *Cum sero factum esset, recumbebat cum duodecim, et manducantibus eis dixit, quoniam unus ex vobis me tradet. Post enim tradidit sacramentum.* [The Armoury edition left out the footnote marker; it is placed here as in the first edition.]

²⁴ [Magd. Centurists, *ibid.*]

²⁵ [Issac Casaubon, French classical scholar and theologian (1559-1614). *Exercitationes contra Baronium* (Frankfort, 1615).]

break away abruptly, and very immediately.²⁶ So much of the first argument.

The second argument (which I also touched in my sermon) was this: As Christ said to the communicants, “Drink ye all of it,” Matt. 26:27; “And they all drank,” Matt. [sic Mark] 14:23; so he says to them all, “This is my body which is broken for you; this is the cup of the new covenant in my blood, which is shed for you,” Luke 22:19, 20. But if Judas had been one of the communicants, it is not credible that Christ would have said so in reference to him as well as to the other apostles. This argument Mr. Prynne, p. 25, does quite mistake, as if the strength of it lay in a supposed particular application of the words of the institution to each communicant, which I never meant, but dislike it as much as he. The words were directed to all, in the plural, “This is my body broken for you, &c; my blood shed for you” &c. Mr. Prynne conceives that it might have been said to Judas, being meant by Christ, “only conditionally, that his body was broken, and his blood was shed for him, if he would really receive them by faith.” Jonas Schlichtingius, a Socinian,²⁷ in his book against Meisnerus, p. 803,²⁸ though he supposes, as Mr. Prynne does, that Judas was present at the giving of the sacrament, yet he holds that it is not to be imagined that Christ would have said to Judas, that his body was broken for him. And shall we then, who believe that the death of Jesus Christ was a satisfaction to the justice of God for sin (which the Socinians believe not), admit that Christ meant to comprehend Judas among others, when he said, “This is my body which is broken for you?”

Ministers do indeed offer Christ to all, upon condition of believing, being commanded to

²⁶ [Johann Gerhard, Lutheran theologian (1582-1637), *Loci Communes Theologici* (1610-1625, 9 vls). Gillespie is probably referring to *Comment. In Harmoniam hist. Evang. De Passione et Resurrectione Christi* (1617), which is a continuation of the commentaries of Chemnitz and Lyser.]

²⁷ [Jonasz Schlichting, Socinian (1592-1661). *De SS. Trinitate, de moralibus N. & V. Testamenti praeceptis, item[que] de Sacris, Eucharistiae, & Baptismi ritibus. aduersus Balthasarem Meisnerum* ...1637. Also 1639.]

²⁸ [Balthazar Meisnerus, German Lutheran theologian (1587-1626).]

preach the gospel to every creature, and not knowing who are reprobates; but that Christ himself (knowing that the son of perdition was now lost, that the Scripture might be fulfilled, John 17:12) would, in the sacrament (which is more applicative than the Word, and particularizes the promises to the receivers), so speak, as that, in any sense, those words might be applied to Judas, that even for him, his body was broken and his blood shed; and that, thereupon, the seals should be given him, to me is not at all credible, and I prove the negative by four arguments (though I might give many more):

1. If Christ did, in reference to Judas, mean conditionally, that his body was broken, and his blood shed for him, if he would believe (as Mr. Prynne holds), then he meant conditionally to save the son of perdition, whom he knew infallibly to be lost, and that he should be certainly damned and go to hell, and that in eating the sacrament, he would certainly eat and drink judgment to himself (all which Mr. Prynne himself, p. 26, says Christ infallibly knew). But who dare think or say so of Jesus Christ? Suppose a minister knew infallibly that such an one had blasphemed against the Holy Ghost (which sin the Centurists and others think to have been committed by Judas, which could not be hid from Christ), and is irrecoverably lost, and will be most certainly damned, durst that minister admit that person to the sacrament, and make those words applicable to him so much as conditionally, “This is the Lord’s body broken for you; this is the blood of the new covenant shed for you unto remission of sins?” How much less would Christ himself say so, or mean so, in reference to Judas?

2. If Christ would not pray for Judas, but for his elect apostles only, and such as should believe through the word of the gospel, then he meant not so much as conditionally to give his body and blood for Judas (for if he meant any good to Judas, so much as conditionally, he would not have excluded him from having any part at all in his prayers to God). But Christ does exclude Judas from his prayer, John 17, not only as one of the reprobate world, ver. 9, but even by name,

ver. 12, giving him over for lost, and one that was not to be prayed for.

3. Love and hatred in God, and in his Son Jesus Christ, being eternal and unchangeable (for *actus Dei immanentes sunt aeterni*), it follows that if there was such a decree of God, or any such meaning or intention in Christ, as to give his body and blood for Judas, whom he knew infallibly to be lost, and since that same conditional meaning or intention could not be without a conditional love of God and of Christ to Judas and his salvation, this love does still continue in God, and in Christ, to save Judas now in hell, upon condition of his believing, which every Christian I think will abominate.

4. That conditional love and conditional intention or meaning, could not have place in the Son of God. For as Spanhemius does rightly argue in his learned exercitations, *de Gratia Universali*, p. 76,²⁹ it does not become either the wisdom or goodness of God to will and intend a thing upon such a condition as neither is nor can be. And p. 829, he says, that this conditional destination or intention cannot be conceived, as being incident only to such as do neither foreknow nor direct and order the event, and in whose hand it is not to give the faculty and will of performing the thing, which cannot without impiety be thought or said of God. Thus he.

The third argument (which I shall now add) is that whereby Hilarius, can. 30, in Matt., and Innocentius III. lib. 4, *de Mystero Miss.* cap. 13, prove that Judas received not the sacrament, neither was present at the receiving of it: because that night while Judas was present, Christ in his gracious and comfortable expressions to his apostles did make an exception, as John 13:10, 11, "Ye are clean, but not all; for he knew who should betray him, therefore said he, Ye are not all clean;" ver. 18, "I speak not of you all, I know whom I have chosen;" so ver. 21, even as before; John 6:70, "Have not I chosen you twelve, and one of you is a devil." But at the sacrament all his sweet and gracious speeches are without any such exception, "This is my body which is given

for you," &c. Yea he says positively of all the apostles to whom he gave the sacrament, "I will not drink henceforth of this fruit of the vine, until that day when I drink it new *with you* in my Father's kingdom," Matt. 26:29, and this he says unto them all, as it is clear from ver. 27, "Drink ye all of it." Again, Luke 22:28-30, "Ye are they which have continued with me in my temptations; and I appoint unto you a kingdom, as my Father hath appointed unto me; that ye may eat and drink at my table in my kingdom, and sit on thrones, judging the twelve tribes of Israel." Would not Christ much more have excepted Judas in these expressions, if he had been present, seeing he had so often excepted him before?

As for Mr. Prynne's reasons from Scripture to prove that Judas did receive the sacrament, they are extremely inconclusive. First, he says that Matthew, Mark and Luke, are all express *in terminis*, that Christ sat down to eat the passover, and the twelve apostles with him; that Judas was one of those twelve, and present at the table; that as they sat at meat together, Jesus took bread, &c., that he said of the cup, Drink ye all of it; and Mark says they all drank of it.

Ans. 1. The three evangelists are all express *in terminis*, that when even was come, Christ sat down with the twelve, as likewise that the twelve did eat with him that night; but that the twelve apostles were with him in the eating of the passover, they are not express *in terminis*, and I have some reasons which move me to think that Judas did not eat so much as of the passover that night; whereof in the proper place.³⁰ 2. And if he had been at the passover, that proves not he was at the Lord's supper. When Christ took the cup and said, "Drink ye all of it," it was after supper, that is, after the paschal supper, as Mr. Prynne himself gives the sense. 3. When Mark says, "They all drank of it," he means all that were present, but Judas was gone forth. His argument supposes that Judas was present, which being before disproved, there remains no more strength nor life in his argument.

²⁹ [Friedrich Spanhem (1600-1649), *Exercitationes de gratia universalis* (Leyde, Maire, 1646).]

³⁰ [Gillespie takes up the question of whether Judas partook of the Passover in the next chapter of *Aaron's Rod* (216-219).]

That which he added, p. 18, 19, if it have either strength or good sense, I confess the dullness of my conception. He would prove from Matthew and Mark, that immediately before the institution of the sacrament, Christ told his disciples that one of them should betray him, and they all asked, "Is it I?" and that therefore certainly the sacrament was given to Judas, because he was the last man that said "Is it I?" immediately before the institution. And further (he says) Luke places these words of Christ concerning Judas's betraying of him, after the institution, which manifests that Judas was present at the sacrament. His inference is this, that seeing John avers, chap. 13:2, that all this discourse, and the giving of the sop to Judas, was after supper, and the other three evangelists agreeing that Christ instituted and distributed the sacrament, as they did eat, before supper quite ended, it must follow that Judas did receive the sacrament.

Ans. 1. But how does this hang together: 1. To argue that Judas received the sacrament, because Christ's discourse concerning Judas and Judas's question, "Is it I?" were immediately before the institution of the sacrament; and again to prove that Judas did receive the sacrament, because Christ's discourse about Judas was after supper ended, and after the sacrament, which was instituted before supper ended? the one way of arguing destroys the other. 2. For that in Matthew and Mark, that Christ discoursed of the traitor, and that Judas said "Is it I?" before the institution of the sacrament, I confess; but that it was immediately before the institution of the sacrament the evangelists do not say, neither does he prove it. Judas went out after that discourse and the sop, and how much of the consolatory and valedictory sermon (which begins John 13:31) was spent before the distribution of the sacrament, who is so wise as to know? 3. For that in Luke, I have proved that though he sets down the things, yet not in that order wherein they were done; which is also the opinion of Grotius upon that place.³¹ And for that, John 13:2, "Supper being ended," I have answered before.

³¹ [Hugo Grotius, German Reformed theologian (1583-1645), *Opera omnia theologica* (Amstd., 1679), 3 vls.]

Shall we, in the next place, have a heap of human testimonies concerning Judas's receiving of the sacrament? I see so much light from the Scripture to the contrary, that I shall not be easily shaken with the authority of men; yet it shall not be amiss a little to try whether it be altogether so as he would make us believe. He says we go "against all antiquity," p. 18, and against the most and best of Protestant writers, p. 23; yea, that all ages have received it as an indubitable verity, that Judas received the sacrament, p. 19. No, Sir, soft a little. The truth is, the thing has been very much controverted, both among the fathers, and among Papists, and among Protestant writers. I have found none so unanimous for Judas's receiving of the sacrament as the Lutherans, endeavoring thereby to prove that the wicked hypocrites and unbelievers do, in the sacrament, eat the true body of Christ, and drink his true blood;³² yet (as hot as they are upon it) they acknowledge it is no *indubitable verity*, they cite authorities against it as well as for it. See Gerhardus, *Harm. Evang.*, cap. 171; Brochmand, tom. 3, p. 2082.³³ Neither do the Lutherans make any such use of Judas's receiving of the sacrament, as Mr. Prynne does; for they hold that not only excommunicated persons, but scandalous and notorious sinners, not yet excommunicated, ought to be kept back from the Lord's table; see Gerhardus, *Loc. Com.*, tom. 52 180-182, where he proves distinctly that all these ought to be excluded from the Lord's supper: 1. Heretics. 2. Notorious scandalous sinners. 3. Excommunicated persons. 4. Possessed persons, furious persons, and idiots. 5. Infamous persons, who use unlawful arts, as magicians, necromancers, &c.; and, for the exclusion of scandalous sinners, he cites the

³² Gerhardus, *Loc. Com.*, tom. 5, p. 186,187; Petrus Hinkelmannus *de Anabaptismo*, disp. 5, cap. 2. [Peter Hinkelmann, (1571-1622). This may be *Anabaptismi errores refutati* (Rostockii, 1613) or a part of another publication by Hinkelmann, or a separate work. The editor only discovered the 1613 title by publication deadline.]

³³ [Gerhard, *ibid.* Jesper Rasmussen Brochmand, Bishop of Zealand, Lutheran theologian (1585-1652). *Universæ theologiæ systema, : in quo omnes et singuli religionis Christianæ articuli ita pertractantur; ut I. vera sententia afferatur et asseratur: II. controversiæ priscae & recentis expediuntur: III præcipui conscientiæ casus è Verbo Divino decidentur.* (4th edition, 1464).]

ecclesiastical electoral constitutions. Lucas Osiander (*Enchir. contra Anabap.*, cap. 6, quest. 3,)³⁴ tells us, that the Lutheran churches exclude all known scandalous persons from the sacrament. But it is strangest to me that Mr. Prynne will not give credit to some of the testimonies cited by himself. Theophylact, in Matt. 26, says, *Quidam autem dicunt quod egresso Juda, tradidit sacramentum aliis, discipulis, proinde et nos sic facere debemus, et malos à sacramentis abarcere. Idem in Mark 14, Quidam dicunt* (but who they were appears not, says Mr. Prynne, in any extant work of theirs) *Judam non fuisse participem sacramentorum, sed egressum esse priusquam dominus sacramenta traderet.* Shall we take this upon Mr. Prynne's credit, that it does not appear in any extant work of theirs? Nay, let him take better heed what he says, and whereof he affirms. In the next page he himself excepts one, which is Hilarius; but except him only, he says that all the ancients *unanimously accord herein, without one dissenting voice.* But see, now, whether all is to be believed that Mr. Prynne gives great words for. It is well that he confesses we have Hilarius for us. First, therefore, let the words of Hilarius be observed;³⁵ next, I will prove what he denies, namely, that others of the ancients were of the same opinion.

Clemens, lib. 5, *Constit. Apost.*, cap. 13, after mention of the paschal or typical supper, adds these words as of the apostles, [*παραδούς δε ήμίν τὰ αντίτυπα μυστήρια τοῦ τιμίου σώματος αὐτοῦ καί ἁίματος, Ἰούδα μὴ συμπαρόντος ήμίν*]: But when he had delivered to us the antitype mysteries (so called in reference to the paschal supper) of his precious body and blood, Judas not being present with us. I do not own these eight books of the apostolical constitutions as written by that Clemens who was Paul's fellow-laborer, Phil. 4, yet certainly they are ancient, as is universally acknowledged. Dionysius

Areopagita (or whosoever he was that anciently wrote under that name), *de Ecclestatica Hierarchia*, cap. 3, part 3, sect. 1,³⁶ speaking of the same bread and the same cup, whereof all the communicants are partakers, he says that this teaches them a divine conformity of manners, and withal calls to mind Christ's supper in the night when he was betrayed, [*Καθ' ὃ καὶ αὐτὸς ὁ τῶν συμβόλων δημιουργὸς, ἀποκληροῖ δικαιοτάτα τὸν οὐχ ὀσίως αὐτῷ καὶ ὁμοτρόπως τὰ ἱερὰ συνδειπνήσαντα*]. In *qua coena*: so Ambrose the monk, in his Latin translation;³⁷ and Judocus Clichtoveus in his *Commentary*.³⁸ In which supper (for [*Καθ' ὃ*] relates to [*τὸ δεῖπνον*], the supper before mentioned, and signifies the time of supper, or after supper was begun; so the Grecians use to say [*κατὰ τῶν νόσον*], to signify in the time of sickness) "the author himself of those symbols does most justly deprive or cast out him (Judas) who had not holily, and with agreement of mind, supped together with him upon holy things." By those holy things he understands (it should seem) the typical or paschal supper, of which Judas had eaten before, and peradventure that night also, in the opinion of this ancient. Judocus Clichtoveus, in his *Commentary*, says only that Judas did that night eat together with Christ *cibum*, meat; he says not *sacramentum*. This ancient writer is also of opinion, that Christ did excommunicate Judas, or as Clichtoveus expounds him, *à coeterorum discipulorum coetu aequissime separavit, discrevit et dispescuit.* If you think not this clear enough, hear the ancient scholiast Maximus, to whom the Centurists give the testimony of a most learned and most holy man. He flourished in the seventh century under Constance; he was a chief opposer of the Monothelites, and afterwards a martyr.³⁹ His

³⁴ [Lucas Osiander, theologian and historian (1534-1604), *Enchiridion controversiarum, quae Augustanae Confessionis theologies cum Anabaptistis intercedunt* (Witeb. 1614).]

³⁵ Hilarius, can. 30, in Matt. – *Post quae Judas proditor indicatur, sine quo pascha accepto calice et fracto pane conficitur: dignus enim aeternorum sacramentorum communione non fuerat, &c. Neque sane bibere cum eo poterat, qui non erat bibeturus in regno.*

³⁶ [The Ecclesiastical Hierarchy, Migne, *Patrologia Graeca*, vol 3, 4. This edition includes the *scholia* of Maximus and Pachymeres.]

³⁷ [Ambrose, the Camaldule?, French ecclesiastical; writer (1378-1439). If Gillespie is referring to this Ambrose, he may be referring to St. Dionysius the Areopagite on the Celestial Hierarchy.]

³⁸ [Josse Clichtove, Catholic reformer (d.1543). Commentator on church fathers.]

³⁹ [Maximus, Confessor, Anti-Monothelite champion (580-662) Maximus wrote many works, including commentaries on church fathers, such as Dionysius Areopagita.]

scholia upon that place of Dionysius, makes this inference [“Ὅτι μετὰ τὸ ἐξελεῖν τὸν Ἰούδαν ἐκ τοῦ δείπνου, παρέδωκεν ὁ Χριστὸς τοῖς μαθηταῖς τὸ μυστήριον”]: That after Judas had gone forth from supper, Christ gave the mystery to his disciples. Again, [Καὶ σημείωσαι, ὅτι καὶ αὐτῷ μετέδωκε τὸ μυστικὸν ἄρτου καὶ τοῦ ποτηρίου, τὰ δὲ μυστήρια τοῖς μαθηταῖς μετὰ τὸ ἐξελεῖν τοῦ δείπνου τὸν Ἰούδαν, ὡς ἀναξίου τούτων ὄντος αὐτοῦ]: Where note, that to him also (that is, to Judas) he (Christ) gave of a mystical bread (meaning the unleavened bread of the Passover) and cup (meaning the cup drunk at the paschal supper), but the mysteries (that is, the eucharistical bread and cup, commonly called *the mysteries* by ancient writers) he gave to his disciples after Judas went forth from supper, as it were, because Judas himself was unworthy of these mysteries.

Add hereunto the testimony of Georgius Pachymeres,⁴⁰ who lived in the thirteenth century. In his *Paraphrase* upon that same place of Dionysius,⁴¹ he says that Christ himself, the author and institutor of this sacrament, [ἀποκληροῖ καὶ ἐποδιαστέλλει δικαιοτάτα τὸν οὐχ ὀσίως συνδειπνήσαντα Ἰούδαν, καὶ αὐτῷ γὰρ τοῦ μυστικοῦ ἄρτου καὶ τοῦ ποτηρίου μεταδούς, τὰ μυστήρια μόνοις μαθηταῖς, μετὰ τὸ ἐξελεῖν ἐκεῖνον ἐκ τοῦ δείπνου, παρέδωκεν, ὡς ἀναξίου τούτων ὄντος τοῦ Ἰούδα]: Christ does cast out and separate, or excommunicate most justly, Judas, who had not holily supped together with him. For having given to him also of a mystical bread and cup, he gave the mysteries to the disciples alone, after he went forth from supper, thereby, as it were, showing that Judas was unworthy of these mysteries.

By the mysteries which Maximus and Pachymeres speak of, and which, they say, Christ gave to his disciples after Judas was gone forth, I can understand nothing but the eucharistical supper, the elements whereof are very frequently called *the mysteries* by the ancients, as has been

said. And if any man shall understand by these mysteries the inward graces or things signified in the Lord’s supper, then what sense can there be in that which Maximus and Pachymeres say? for Christ could as easily keep back from Judas, and give to his other disciples, those graces and operations of his Spirit, when Judas was present among them, as when he was cast out. So that it could not be said that Christ did cast out Judas in order to the restraining from him, and giving to the other disciples, the invisible inward grace signified in the sacrament, as if the other apostles had not received that grace at the receiving of the sacrament, but that Judas must first be cast out, before they could receive it; or as if Judas had received the inward grace, if he had not gone out from supper. The sense must therefore be this, that Judas, as an unworthy person, was cast out by Christ, before he thought fit to give the sacrament of his supper unto his other apostles.

Unto all these testimonies add Ammonius Alexandrinus, *de Quatuor Evangeliorum Consonantia*, cap. 155,⁴² where he has the story of Judas’s receiving of the sop, and his going forth immediately after he had received it; thereafter, cap. 156, he adds the institution and distribution of the Lord’s supper, as being, in order, posterior to Judas’s going forth. So likewise before him, Tacianus makes the history of the institution of the sacrament to follow after the excluding of Judas from the company of Christ and his apostles, which neither of them had done, if they had not believed that Judas was gone before the sacrament. With all these agrees Innocentius III,⁴³ who holds expressly that the sacrament was not given till Judas had gone forth; and that there is a recapitulation in the narration of Luke. Moreover, as it is evident by

⁴⁰ [George Pachymeres (b.1242?, d.1310/1340?). Primary work is *Historia Byzantina*.]

⁴¹ [Pseudo — Dionysius, the Areopagite, *Georgii Pachymerae paraphrasis in omnia Dionysij Areopagitae, Athenarum episcopi, opera quae extant*. (Paris, 1561). Works.]

⁴² [Ammonius, third century Christian philosopher. There was a Latin translation made of his *Harmony of the Gospels* by Victor of Capua. *Ammonii, vulgo Tatiani, diatessaron, sive harmoniae in quatuor evangelia* (Mayence, 1524).

⁴³ Lib. 4, *de Myster. Missae*, cap. 13. — *Patet ergo quod Judas prius exiit quam Christus traderet eucharistiam. Quod autem Lucas post calicem commemorat tradiderem, per recapitulationem potest intelligi: Quia saepe fit in Scriptura ut quod prius factum fuerat posterius enarretur*. That whole chapter is spent in the debating of this question.

the fore-mentioned testimonies of Theophylact, that some of the ancients did hold that Christ gave not the sacrament to Judas; so also the testimony cited by Mr. Prynne out of *Victor Antiochenus* bears witness to the same thing: *Sunt tamen qui Judam ante porrectam eucharistiae sacramentum exivisse existiment:* But yet, he says, there are who conceive that Judas went forth before the sacrament of the eucharist was given. And with these words Mr. Prynne closes his citation out of *Victor Antiochenus*;⁴⁴ but I will proceed where he left off. The very next words are these, *Sane Johannes quiddam ejusmodi subindicare videtur:* Certainly John seems to intimate some such thing. Which is more than half a consenting with those who think that Judas went forth before the sacrament of the Lord's supper. I shall end with two testimonies of Rupertus Tuitiensis, one upon John 6;⁴⁵ another upon John 13.⁴⁶ The latter of the two speaks thus, being Englished: "But we must know that, as it has been also said before us, if Judas, after the sop, did go forth immediately, as, a little after, the Evangelist says, without doubt, he was not present with the disciples at that time, when our Lord did distribute unto them the sacrament of his own body and blood." And a little after: "Therefore, by the Lord's example, the good ought, indeed, to tolerate the bad in the church, until, by the fan of judgment, the grain be separated from the chaff, or the tares from the wheat; but yet patience

⁴⁴ [Victor of Antioch, bishop (abt. 400 AD). He wrote a commentary on the Gospel of Mark.]

⁴⁵ In John 6, *de participatione autem corporis et sanguinis ejus, potest aliquis opinari quod ille (Judas) interfuerit. Sed profecto diligentius evangelistarum narratione, doctorumque considerata diversitate, citius deprehendi, huic quoque sacramento illum nequaquam interfuisse. Nam cum accepisset buccellam, qua traditor designatus est, exivit continuo.* [Rupertus Tuitiensis [Rupert of Deutz, 12th century]. *Commentaria in Evangelium Sancti Johannis. Corpus Christianorum: Continuatio Mediaevalis*, 9. Ed. by Rhabanus Maurus Haacke. Turnholti: Typographi Brepols, 1969.]

⁴⁶ Rupertus Tuitiensis in John 13. – *Sciendum vero est, quia, sicut et ante nos dictum est, si post buccellam continue Judas exivit, sicut paulo post evangelista dicit, procul dubio nequaquam discipulis tunc interfuit, quando Dominus noster sacramentum illis corporis et sanguinis sui distribuit. Et paulo post. – Igitur exemplo Domini, tolerare quidem malos boni debent in ecclesia, donec ventilabro judicii granum a palea, vel a tritico separentur zizania: verumtamen non eo usque indiscreta debet esse patientia, ut indignis, quos noverunt, sacrosancta Christi tradant mysteria.*

must not be so far void of discerning, as that they should give the most sacred mysteries of Christ to unworthy persons, whom they knew to be such."

As for modern writers, this present question has been debated by Salmeron, tom. 9, tract. 11, and by Dr. Kellet in his *Tricoenium*, lib. 2, cap. 14.⁴⁷ Both of them hold that Judas did not receive the Lord's supper. Mariana on Luke 22:21, cites authors for both opinions, and rejects neither;⁴⁸ Gerhardus, *Harm. Evang.*, cap. 171, cites for the same opinion, that Judas did not receive the Lord's supper (beside Salmeron), Turrianus and Barradius;⁴⁹ and of ours, Danaeus,⁵⁰ Musculus,⁵¹ Kleinwitzius, Piscator,⁵² *et alii complures*, he says, *and many others.*

Add also Zanchius upon the fourth command.⁵³ Gomarus (who professedly handles this question), upon John 13.⁵⁴ Beza puts it out of question;⁵⁵ and Tossanus⁵⁶ tells us it is the judgment of many learned men, as well as his own.⁵⁷ Musculus, following Rupertus, concludes that certainly Judas was gone forth before Christ

⁴⁷ [Edward Kellett (1583-1641), *Tricoenium Christi in nocte proditoris suae: The threefold supper of Christ in the night that he was betrayed* (London, 1641).]

⁴⁸ [Juan Mariana, Spanish Jesuit & commentator (1537-1623), *Scholia in Vetus et Novum Testamentum*.]

⁴⁹ [Francisco Torres {Turrianus}, Jesuit, Hellenist and Anti-Protestant polemicist (1509-1584). Sebastião Barradas, Jesuit commentator (1543-1615), *Commentariorvm in concordiam, & historiam Euangelicam*.]

⁵⁰ [Lambert Daneau, French Calvinist theologian (1530-1596), *Lamberti Danaei Opuscula omnia theologica* (Geneva, 1583).]

⁵¹ [Ibid.]

⁵² [Johannes Piscator (Fischer), German Reformed theologian (1546-1625), *Commentarii in omnes libros Veteris et Novi Testamenti* (Herbornae, 1638-1646, 5 vols in 3).]

⁵³ [Jerome Zanchius, Reformed Theologian (1516-1590), *Operum Theologicorum* (Geneva, 1613, 8 volumes bound in 3).]

⁵⁴ [Francis Gomar, Calvinist divine (1563-1641), *Opera omnia theologica* (Amsterd, 1664).]

⁵⁵ Beza in John 13:30. – *Certa videtur esse eorum sententia qui existimant Judam institutioni sacrae coenae non interfuisse.*

⁵⁶ Tossanus in John 13. – *Ita ut Judae quidem laverit pedes Christus, sed postea egressus coenae sacramentali non interfuerit, sicut eruditi multi ex hoc capite colligunt.* [Ibid.]

⁵⁷ [The Armoury edition has the footnotes in this paragraph slightly out of place, but a check of the first edition did not show that any were actually missing.]

gave the sacrament to his apostles;⁵⁸ so likewise Diodati and Grotius.⁵⁹

By this time it appears that Mr. Prynne has no such consent of writers of his opinion, or against mine, as he pretends.

As for those ancients cited by Mr. Prynne, some of them (as Origen and Cyril) did go upon this great mistake, that the sop which Christ gave to Judas was the sacrament; which error of theirs is observed by interpreters upon the place. No marvel that they who thought so, were also of opinion that Judas received the sacrament of the Lord's supper; for how could they choose to think otherwise upon that supposition? But now the latter interpreters, yea Mr. Prynne himself, having taken away that which was the ground of their opinion, their testimonies will weigh the less in this particular. Chrysostom thinks indeed that Judas received the sacrament, but he takes it to be no warrant at all for the admission of scandalous persons; for in one and the same homily, hom. 83, in Matt. he both tells us of Judas's receiving of the sacrament and discourses at large against the admission of scandalous persons. As for Bernard, Mr. Prynne does not cite his words nor quote the place. Oecumenius (in the passage cited by Mr. Prynne) says that the other apostles and Judas did eat together *communi mensa*, at a common table; but he says not "at the sacrament of the Lord's supper." That which Oecumenius in that place argues against, is the contempt of the poor in the church of Corinth, and the secluding of them from the love-feasts of the richer sort. Now, he says, if Christ himself admitted Judas to eat at one and the same table with his other disciples, ought not we much more admit the poor to eat at

⁵⁸ Musculus in *Loc. Com. de Coena Dom.*, p. 352. *Mihi sane dubium non est, egressum ad perficiendum traditionis scelus fuisse Judam, priusquam sacramentum hoc a Domino discipulis traderetur.* [Ibid.]

⁵⁹ Diodati upon John 13:20. — "We may gather from hence that he (Judas) did not communicate of our Savior's sacrament." [Jean Diodati, *Reformed divine* (1576-1649), *Annotationes in Biblia* (Geneva, 1607).] Grotius, *Annot. in Matt.* 26:21, 26; Luke 22:21; John 13, holds the supper at which the sop was given to Judas, and from which he went forth, was the common supper, and that it was before the Lord's supper, and that Luke does not place Christ's words concerning Judas, Luke 22:21, in the proper place. [Ibid.]

our tables? Mr. Prynne tells us also that Nazianzen, in his *Christus Patiens*,⁶⁰ agrees that Judas did receive the Lord's supper together with the other apostles. I answer, first, I find no such thing in that place; next, those verses so entitled are thought to be done by some late author, and not by Nazianzen, as J. Newenklaius, in his censure upon them, notes, and gives reason for it. Cyprian's sermon *de ablutione pedum*, as it is doubted of whether it be Cyprian's, so the words cited by Mr. Prynne do not prove the point in controversy. The other testimony cited out of Cyprian's sermon *de coena Domini*, as it is not transcribed according to the original, so if Mr. Prynne had read all which Cyprian says in that sermon against unworthy receivers, peradventure he had not made use of that testimony. The words cited out of Ambrose do not hold forth clearly Judas's receiving of the eucharistical supper. The words cited out of Augustine, epist. 162, *Judas accepit pretium nostrum*, are not there to be found, though there be something to that sense. It is no safe way of citations to change the words of authors. This by the way. As for his other three citations out of Augustine, tract 6, 26, 62, in John, I cannot pass them without two animadversions. First, the greatest part of those words which he cites as Augustine's words, and also as recited by Beda in his commentary on 1 Cor. 11 is not to be found either in Augustine or Beda in the places by him cited; viz. these words: *Talis erat Judas, et tamen cum sanctis discipulis undecim intrabat et exibat. Ad ipsam coenam Dominicam pariter accessit, conversari cum iis potuit, eos inquinare non potuit: De uno pane et Petrus accipit et Judas; et tamen quae pars fideli et infideli? Petrus enim accepit ad vitam, manducat Judas ad mortem: qui enim comederunt indigne judicium sibi manducat et bibit SIBI, NON TIBI, &c.* Of which last sentence if Mr. Prynne can make good Latin, let him do it (for I cannot), and when he has done so, he may be pleased to look over his books better to seek those words elsewhere if he can find them, for as yet he has directed us to seek them where they are not.

⁶⁰ [Gregory of Nazianzus (330-389). The work, *Christus Patiens*, is attributed to him.]

My next animadversion shall be this. The words of Augustine which Mr. Prynne alleges for Judas's receiving of the sacrament, are these, tract 6, in John: *Num enim mala erat buccella quae tradita est Judae à Domino? Absit. Medicus non daret venenum; salutem medicus dedit, sed indigne accipiendo ad perniciem accepit, quia non pacatus accepit.* Thus the original, though not so recited by Mr. Prynne; but that I pass, so long as he retains the substance. Yet how will he conclude from these words that Judas received the sacrament of the Lord's supper, unless he make Augustine to contradict himself most grossly; for tract 62, in John (another place whither Mr. Prynne directs us), speaking of Christ's giving of that *buccella* or sop to Judas, he says, *Non autem ut putant quidam negligenter legentes, tunc Judas Christi corpus accepit:* But Judas did not at that time receive the body of Christ, as some negligently reading do think. Which words Beda also in his comment on John 13 has out of Augustine. It is Augustine's opinion that the sacrament was given before that time, at which Judas was present. That which Mr. Prynne cites out of Algerus⁶¹ (a monk, who in that same book writes expressly for transubstantiation) makes more against him than for him; for Algerus takes the reason of Christ's giving the sacrament to Judas, to be this, because his perverse conscience, though known to Christ, was not then made manifest, Judas not being accused and condemned, so that he was a secret, not a scandalous sinner.

Thus far we have a taste of Mr. Prynne's citations of the ancients; peradventure it were not hard to find as great flaws in some other of those citations. But it is not worth the while to stay so long upon it. Among the rest he cites Haymo, bishop of Halberstat,⁶² for Judas's receiving of the sacrament; but he may also be pleased to take notice that Haymo would have no notorious scandalous sinner to receive the sacrament, and holds that a man eats and drinks unworthily *qui gravioribus criminibus commaculatus praesumit*

⁶¹ [Probably Alger Of Liège, Flemish priest (1060-1131), *De sacramentis corporis et sanguinis Dominici* — "Concerning the Sacraments of the Body and the Blood of the Lord".

⁶² [Haymo, Bishop of Saxony (c.778-853). See Migne, *Patrol. Latina*, vols., 116, 117, 118.]

illud (sacramentum) sumere: that is, who being defiled with heinous crimes presumes to take the sacrament; but if he had thought it (as Mr. Prynne does) the most effectual ordinance, and readiest means to work conversion and repentance, he could not have said so. That which Mr. Prynne, p. 23, cites out of the two Confessions of Bohemia and Belgia does not assert that for which he cites them; for neither of them say that Judas did receive the sacrament of the Lord's supper. The *Belgic Confession* says an evil man may receive the sacrament unto his own condemnation: "As for example, Judas and Simon Magus both of them did receive the sacramental sign." I can subscribe to all this; for it is true in respect of the baptism both of Judas and Simon Magus. But I must here put Mr. Prynne in mind, that the thing which he pleads for is extremely different from that which the Belgic churches hold. For *Harmonia Synodorum Belgicarum*, cap. 13, says thus, *Nemo ad Coenam dominican admittatur, nisi qui fidei confessionem, ante reddiderit, et disciplinae ecclesiasticae se subjecerit, et vitae inculpatae testes fideles produxerit:* Let no man be admitted to the Lord's supper, except he who has first made a confession of his faith, and has subjected himself to the church discipline, and has proved himself by faithful witnesses to be of an unblameable life. The other Confession of Bohemia, says that "Judas received the sacrament of the Lord Christ himself, did also execute the function of a preacher, and yet he ceased not to remain a devil, an hypocrite," &c. This needs not be expounded of the Lord's supper (which if he had received, how did he still remain an hypocrite? for that very night his wickedness did break forth and was put in execution), but of the passover, received by Judas once and again, if not the third time. That chapter is of sacraments in general, and that which is added, is concerning Ananias and his wife, being baptized of the apostles. However the very same chapter says that ministers must thoroughly look to it, and take diligent heed lest they give holy things to dogs, or cast pearls before swine; which is there applied to the sacraments, and is not understood of preaching and admonishing, only as Mr. Prynne understands it. Also the book entitled *Ratio Disciplinae Ordinisque Ecclesiastici*

in *Unitate, Fratrum Bohemorum*, cap. 7,⁶³ appoints not only church discipline in general, but particularly suspension from the Lord's table of obstinate offenders. Finally, whereas Mr. Prynne cites a passage of the antiquated Common Prayer-book, as it has lost the authority which once it had, so that passage does not by any necessary inference hold forth that Judas received the sacrament, as Dr. Kellet shows at some length in his *Tricoenium*.

The citation in which Mr. Prynne is most large, is that of Alex. Alensis,⁶⁴ part. 4, quest. 11, mem. 2, art. 1, sect. 4 (though not so quoted by him); but for a retribution, I shall tell him three great points in which Alex. Alensis, in that very dispute of the receiving of the eucharist, is utterly against his principles: First, Alex. Alensis is of opinion that the precept, Matt. 7:6, "Give not that which is holy unto the dogs, neither cast ye your pearls before swine," does extend to the denying of the sacrament to known profane Christians; for both in that section which has been cited, and art. 3, sect. 1, answering objections from that text, he does not say, that it is meant of the word, not of the sacrament; and of infidels, heretics, persecutors, not of profane ones; but he ever supposes, that the ministers are forbidden by that text to consent to give the sacrament to profane scandalous sinners. Secondly, Alex. Alensis holds that Christ's giving of the sacrament to Judas is no warrant to ministers to give the sacrament to public notorious scandalous sinners, though they do desire it. And thus he resolves, *Ibid.*, art. 3, sect. 1, "If the priest know any man by confession to be in a mortal sin, he ought to admonish him in secret, that he approach not to the table of the Lord; and he ought to deny unto such an one the body of Christ, if he desire it in secret; but if he desire it in public, then either his sin is public or secret, if *public he ought to deny it unto him*; neither so does he reveal sin because it is public; if private he must give it, lest a worse thing fall out." Thirdly, Alex. Alensis holds the sacrament of the Lord's supper, not to be a converting but a

confirming and conserving ordinance, *Ibid.* art. 2, sect. 2. His words I shall cite in the debating of that controversy.⁶⁵

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⁶³ [*Ratio disciplinae ordinis[ue] ecclesiastici in unitate Fratrum Bohemorum. Recens è Bohemico Latina facta.* 1633.]


⁶⁴ [Alexander Alesius (or de Hales), Scholastic (d. 1245). *Summa Theologica* (Norimb, 1482, and many times and places thereafter).]

⁶⁵ [See *Aaron's Rod Blossoming.* 3.13; Armoury edition, p. 245.]

The Old Testament Ecclesiastical Sanhedrin

This extract is Chapter Four in Dr. Bacon's dissertation 'A Pattern in the Heavens Part One: Ecclesiology.'

By *Richard Bacon*

his series of articles has and will continue to assert or presume at certain places that there was a distinct ecclesiastical Sanhedrin in Old Testament Israel. To support such an assertion, it is common to point to Second Chronicles chapter nineteen and the reformation of the southern kingdom under Jehoshaphat. There, at verse 11, the reformation quite clearly indicates that there were separate heads for "matters of the LORD" and for "all the king's matter."¹ Given the fact that the chief priest Amariah (*kohen haro'sh*) is over the matters of the Lord and a Judahite, Zebediah, is over the king's matters, there is a pretty strong presumption in favor of a dual court system, whether co-located or not, and perhaps even hearing some of the same cases with an eye to the distinct ecclesiastical and civil concerns involved in each case.²

EXODUS 24:1

The first appearance of a specifically ecclesiastical Sanhedrin, as opposed merely to the existence of elders,³ seems to be at Exodus 24:1 where God called not only Moses and Aaron, but seventy of the elders to "come up." We should note that at that point in time in the history of Israel there was not yet a cultic establishment.

¹ See below in this article for a more detailed treatment of Second Chronicles chapter nineteen.

² Although it is possible to distinguish between two court "systems" in the Old Testament, it would be incorrect to suppose that some cases were of a strictly ecclesiastical nature while others were of a strictly civil nature. Likewise, most of the Old Testament legislation contained both ecclesiastical and civil aspects and applications.

³ As in English, the Hebrew word for 'elder' is related to the adjective 'old.' Apart from an actual ecclesiastical or civil function revealed in the context it would be impossible to say with certainty whether the term "elder" at a given Scripture referred to an office-holder or simply to an old man and whether the office was civil, ecclesiastical, or both.

Therefore the sacrifices were performed in Exodus twenty-three by "young boys" rather than by Aaron and his sons. Aaron and his sons would not be set apart for office until Exodus chapter twenty-eight and following. The understanding of this dissertation is that the elders of Exodus twenty-four were not the seventy elders chosen for governing the commonwealth of Israel in Numbers chapter eleven, nor were they the elders or judges chosen on the advice of Jethro in Exodus chapter eighteen. Rather these men were chosen as the first group of seventy elders and would become the foundation for the Old Testament ecclesiastical Sanhedrin.

The group of seventy elders of Exodus 24:1 was not the same as the group in Numbers 11:16ff., because the elders in Exodus chapter twenty-four were chosen shortly after the children of Israel came out of Egypt and while they were still at Mount Sinai. But on the twentieth day of the second month, in the second year they moved their encampment from Sinai to the Paran wilderness (Numbers 10:11-12). While in the wilderness of Paran they pitched their tents at *Hibroth-Hataavah* (Numbers 33:16). It was at that encampment at *Hibroth-Hataavah* that the seventy were chosen to relieve Moses of the burden of government, as Jethro had earlier advised in Exodus chapter eighteen. So the choosing of the seventy in Exodus twenty-four was prior to the choosing of the seventy in Numbers eleven and not at the same time.

But neither is it likely that the seventy elders of Exodus 24:1 are the elders of Exodus eighteen, in which passage Jethro *advised* his son-in-law Moses to establish elders in broader and narrower courts according to population in order to help him with the task of judging the people. Though Exodus eighteen is, of course, prior to

chapter twenty-four in the internal structure of the book of Exodus, it is the opinion of some Reformed and Presbyterian scholars that chapter eighteen actually anticipates an episode that took place *after* chapter twenty-four chronologically and was perhaps never implemented until the episode at *Hibroth-hataavah* in Numbers chapter eleven.⁴ The evidence is not overwhelmingly compelling in this author's opinion, yet it does seem to make sense of all the data and is therefore coherent. The time line is such that Jethro did not come to Moses until about a year after the coming up from Egypt. The law was given on the third day after the children of Israel came to Sinai. But Tostatus claimed that it was impossible that Jethro could have heard that Moses and the people were at Sinai; that Moses could have gone forth to greet him and entertain him; that Jethro could have observed the manner of Moses' government and given counsel to set it in better shape and that Moses could have taken all the steps necessary to rectify his government all in the space of three days. These days were also appointed specifically for the sanctifying of the people and so it is no small question whether Moses would even have been hearing cases during those days. Finally, one must consider that the elders of Exodus twenty-four could not have been civil judges before Jethro came or else Jethro would not have observed that Moses was hearing all the cases without assistance.

We should further note that the seventy elders who were chosen in Exodus twenty-four were invested with the authority to judge the very matters in which Aaron or Hur presided. "And he said unto the elders, Tarry ye here for us, until we come again unto you: and behold Aaron and Hur are with you: if any man have any matters to do, let him come unto them" (Exodus 24:14).

These seventy elders were joined in the company with Aaron, Nadab and Abihu and were called up into the mount along with them. The section of Exodus in which this occurs follows the giving of the judicial or civil laws to Israel in chapters twenty-one to twenty-three. Chapter

twenty-four forms a sort of transition or even an introduction to the section of Exodus that follows and which deals more specifically with the ceremonial or cultic laws of Israel. It is also noteworthy that these seventy elders had no function in the civil cases and suits regarding the magisterial government, for in Numbers chapter eleven, which was still future to the events in Exodus chapter twenty-four, Moses still judged civil cases single-handedly.

Last of all, these elders in Exodus chapter twenty-four seem to be inducted into office in the context of specifically ecclesiastical ceremonies rather than civil ceremonies with a religious cast. Of course ancient Israel was not a secular nation (few nations ever have been) and so the civil and ecclesiastical cannot be altogether divorced. Yet the concomitants of installation all have an ecclesiastical context more similar to Aaron's anointing than to either Saul's (First Samuel 10:1ff.) or to David's (First Samuel 16:13). First the covenant was ratified immediately upon the selection of the seventy elders, and that in the context of sacrifice and offering (verses 5 to 8). Second, the elders received an epiphany in the context of eating what must certainly have been regarded as a covenantal meal. "And they saw the God of Israel...also they saw God, and did eat and drink" (verses 10 and 11).

These trains of thought taken together seem to invest these elders with an ecclesiastical authority and with *no* civil authority. But if they have ecclesiastical authority without also having civil authority, then they are a distinct ecclesiastical government. Consider: they are accompanied by those whom God chose to be priests (Hebrews 5:4); they had a certain authority to judge of some matters (Exodus 24:14), but not of others (Numbers 11:14); they entered office via a sacred banquet which may even have included the eating of holy things offered to the Lord (Exodus 24:5, 10, 11). Though it was still quite early in the life of the Jewish church in Exodus 24 and therefore things are often seen in Scripture at that point in embryonic forms, still one can see in Exodus chapter 24 an eldership of seventy that is distinct from civil judges.

⁴ Gillespie, *Aaron's Rod Blossoming*, p. 5 and citing also Willet and Tostatus in Commentaries on this passage in Exodus ch. 24.

DEUTERONOMY 17:8

The next evidence of an ecclesiastical government or Sanhedrin can be taken from Deuteronomy 17:8-13. In that passage we may observe several indications of distinct ecclesiastical and civil governments. First, virtually all Reformed commentators agree that this passage sets forth at the very least a Supreme Court of civil judges. Traditionally the authority of the civil Sanhedrin has been based upon this very text. Calvin went so far as to say that the civil alone is in view in the passage: “for although God seems only to refer to civil controversies, yet there is no doubt but that by synecdoche He appoints them to be interpreters of the doctrine of the Law.”⁵ Keil and Delitzsch’s commentary on this passage is also instructive, where they correctly pointed out that the issue in Deuteronomy chapter seventeen has nothing to do with an appeal by a losing party to a dispute. “This is evident,” the professors informed us, “from the general fact, that the Mosaic law never recognizes any appeal to higher courts by the different *parties* to a lawsuit, and that in this case also it is not assumed, since all that is enjoined is, that if the matter should be too difficult for the local judges to decide, *they themselves* were to carry it to the *superior court*.”⁶ The commentary continues on to indicate regarding verse 10, “And this is more especially evident from what is stated in ver. 10, with regard to the decisions of the *superior court*, namely that they were to do whatever the superior judges taught, without deviating to the right hand or to the left.”⁷ Regardless, however, of whether we regard the supreme court as receiving appeals from parties or from the lower courts, it must be acknowledged that there exists in this passage a *final* court of appeal—a court beyond which one could not properly appeal and to whose judgment one must therefore acquiesce.

But if this passage indicates a supreme civil court, then it seems by the same parity of

reasoning to hold forth a supreme ecclesiastical jurisdiction as well. The passage does not resolve civil cases with the judgment of the high priest, nor does it resolve ecclesiastical cases with the judgment of the judge(s). Rather, in verse nine the sentence of the priest(s) is carried as far as is the sentence of the judge(s) who “shall be in that day.” Further, as George Gillespie pointed out, the sentence was carried forth “in a disjunctive way, as two powers, not one, and each of them binding respectively in its proper sphere.”⁸ While the objection might be made that the priest was there merely as a teacher of the law to help interpret the law for the civil judge, this dissertation does not agree with such an assessment. Verse 12 indicates that there is a disjunction between the priest that stands to minister and the judge who shall be in that day. The priest is to be obeyed. He will give authoritative, and not merely advisory, legal opinion. It was not merely that the opinion would be binding upon the judge; it would be binding also on the parties to the case.

A second consideration from the Deuteronomy seventeen passage has to do with the three categories mentioned that might be too hard for the local justices to determine for themselves. These categories are characterized in the Authorized Version as “between blood and blood, between plea and plea, and between stroke and stroke” (Deuteronomy 17:8). Although R. J. Rushdoony has indicated that a correct understanding of these distinctions comes down to a practical application of God’s law, he limits the understanding of this passage to matters civil. Thus Rushdoony maintains, “The expression in Deuteronomy 17:8, ‘between blood and blood,’ means a decision between murder and manslaughter. ‘Between plea and plea’ means between one type of plea for right as against another. ‘Between stroke and stroke’ refers to varieties of bodily injury; ‘matters of controversy with thy gates’ means matters of controversy within the community. In these very practical questions of law and the application of the law, the ultimate authority that binds and looses is God’s law-word. This law must govern

⁵ Calvin, *Commentaries: Harmony of the Four Last Books of Moses* (Grand Rapids: Baker, 1984 reprint), 2.262.

⁶ Keil & Delitzsch, *op. cit.*, I.iii.382. Emphasis added.

⁷ *Ibid.*, Emphasis added.

⁸ Gillespie, *op. cit.* p. 6.

the court, and the court must at the very least be fully grounded in the law.”⁹ This dissertation certainly adopts the view that sees biblical law as the basis for all court decisions in Old Testament Israel. But in this author’s opinion there is a wider consideration in Deuteronomy chapter seventeen than Dr. Rushdoony expounds in his *Institutes*.

Unquestionably, it could be agreed, the first matter of blood and blood is a community or civil matter.¹⁰ However the third question—which at first *seems* to be a matter for civil litigation—may *actually* be a matter for the priest. And if it is a matter for the priest, then it follows that the priest’s court would have a primarily ecclesiastical jurisdiction. The Hebrew word “*nega`*,” translated in verse 8 as “stroke” is the *same thing* that the priest is to determine as to whether or not a skin eruption or other matter is a *leprosy*.¹¹ If the first matter is civil and the last matter is for the priest, what is “plea for plea” or “between plea and plea?” The Hebrew word translated as “plea” is “*din*” as in “*beth din*” or house of judging. Thus the plea may be common to both civil and ecclesiastical. It may be remembered that the tribe of Dan was named because God is judge. So, a *beth din* is a house of judging or house of judgment. The application of the *beth din* to the New Testament church as well as the Old Testament church will be discussed further in subsequent articles.

Significantly also, the conjunction “or” is used in verse 13 indicating yet again two jurisdictions that can be and ought to be distinguished. This is demonstrated in the Hebrew ‘*o*, the LXX’s *ê* as well as our Authorized Version. The Greek *ê* is a disjunctive that separates opposites.¹² So it is used in just that way in the New Testament in such verses as Matthew 5:36 “white *or* black,” Revelation 3:15 “cold *or* hot,” and Matthew 21:25 “from God *or* from men.” The Hebrew particle ‘*o*

also carries the connotation of “or rather” or “or else.”¹³ It is therefore the burden of verse 12 that cases on appeal will go to an ecclesiastical court *or* to a civil court at Jerusalem.

There may also be a distinction in the passage between jurisdictions or sentences. Verse eleven speaks of both “the sentence of the law which they shall teach there,” and “the judgment which they shall tell thee.” It is well established in Scripture that the priests were given an accountability to teach the meaning of the law of God. “For the priest’s [not the judge’s—reb] lips should preserve knowledge, and they should seek the law at his mouth” (Malachi 2:7). There is a distinction, then, not only of persons (priest and judge), but also of sentence (law and judgment), and of controversy (blood and leprosy). This certainly goes a long way toward demonstrating that each had a right of judgment and further that their respective judgments were supreme *in suo genere*. If it was a controversy that was in its substance a cultic or ceremonial issue (between leprosy and leprosy) as Leviticus 10:9-11 or Ezekiel 22:26 or if it was a fundamentally doctrinal matter, then he that would not follow the sentence of the priest who was the president of the ecclesiastical sanhedrin must die the death (Deuteronomy 17:10-12). But if the cause was criminal, or between blood and blood, and the guilty party would not submit to the decree of the civil Sanhedrin at Jerusalem, then he should die the death. When the priest—the president of the ecclesiastical Sanhedrin—brought sufficient warrant from Scripture for the judgment he passed (Ezekiel 44:23-24), he who contumaciously disobeyed him also disobeyed God (Luke 10:16; Matthew 10:14). A competent adjudication based upon the Word of God must be obeyed.

FIRST CHRONICLES 23:3

A third line of argumentation proceeds from the reordering of the Levites by David. In First Chronicles chapter twenty-three all the Levites over the age of thirty were numbered and found

⁹ R. J. Rushdoony, *Institutes of Biblical Law* (Nutley, NJ: The Craig Press, 1973), 620.

¹⁰ Though it could be argued that the “blood and blood” refers even here to consanguinity as it does elsewhere.

¹¹ Neither is this so far-fetched as may seem at first. The Vulgate translates this phrase as “*causam lepram et non lepram*.”

¹² Arndt & Gingrich, *op. cit.*, pp. 342-43.

¹³ Richard Whitaker, Ed. *The Abridged Brown-Driver-Briggs Hebrew-English Lexicon of the Old Testament* (Oak Harbor, WA: Logos Research Systems, 1997), *in loco*.

to be 38,000 (verse 3). Of the 38,000, a number of 24,000 were to “set forward” the work of the house of the Lord. The “setting forward” is more clearly defined in verses 28-32 and basically includes everything *except* the functions delegated specifically to the priests alone to do.¹⁴ Another 8,000 were made porters and “praisers with instruments” (verse 5). In the midst of this arrangement of *temple duty*, David designated 6,000 Levites to be “officers and judges.”

Strictly speaking, the *shophtim* (judges) were those who gave sentence and the *shotrim* were those who ensured the execution or the carrying out of the sentence.¹⁵ There is no linguistic reason to think that the designation of the office was strictly ecclesiastical, for there were civil officers with the same title. So it was that Chenaniah and his sons were also “officers and judges” (First Chronicles 26:29). Thus there were 6,000 Levites whose specific (and apparently sole) function it was to be “officers and judges.” But it is altogether unreasonable to suppose that it would have required 6,000 officers and judges to be over only 32,000 other Levites. The ratio of one to ten is as low as Scripture ever goes for judges, but this would be a ratio on the order of one judge for each five and one third Levites.

Rather, we should understand these 6,000 Levites to have the task of judging and giving sentence when any controversy was brought from outlying districts of the land. We see in these officers and judges the fulfillment of Deuteronomy 17:8-13, discussed earlier in this chapter. It is also possible, though not explicit, that they served either in courses as the priests did or that they were divided according to the various tribal districts in Israel. If anyone would object that these Levites were the Levites spread out through various cities, far from contradicting the idea that these were ecclesiastical officers, the objection would simply demonstrate ecclesiastical government existed throughout the land. Yet they would then have been subordinate

to the ecclesiastical Sanhedrin at Jerusalem *as lower courts*.

But we must follow David’s story to its conclusion. In First Chronicles 28:1 we read, “And David assembled all the princes of Israel, the princes of the tribes, and the captains of the companies that ministered to the king by course, and the captains over the thousands, and captains over the hundreds, and the stewards over all the substance and possession of the king, and of his sons, with the officers, and with the mighty men, and with all the valiant men, unto Jerusalem.” Surely no biblical student would maintain that the Levites were officers and judges of the same *kind*, in the same *manner*, or for the same *ends* with the civil rulers, judges, and military commanders in Israel. Nor should any biblical student maintain that there was no distinction between the power of ruling (binding) given to the Levites and the power of ruling (binding) given to the Princes respectively. But if we admit of a distinction, it is *that very distinction* that this dissertation maintains distinguishes between civil and ecclesiastical government in Old Testament Israel.

Much of the difficulty in making this proper distinction arises, in this author’s opinion, from the fact that there was not a civil (or judicial) law in Old Testament Israel apart from the law of God. Thus the civil courts and ecclesiastical courts were both working from the same *corpus juris*. There was not a separate *corpus juris canonici*, and so it is an easy and even natural conclusion that if we see the same laws and the same people being governed that we must also be seeing a single court *system*. Here is where the Presbyterian understanding of ecclesiastical government diverges from the Erastian view that the civil magistrate is the governor of the church. But at the same time the Presbyterian understanding diverges from that of the Roman state church that places the claims of the Roman antichrist over the civil magistrate in respect to civil matters. It is in part due to this understanding of the Old Testament distinctions between civil and ecclesiastical government that the Westminster divines proclaimed, “The Lord Jesus, as king and head of his church, hath

¹⁴ Keil & Delitzsch, *op. cit.*, III.ii.253.

¹⁵ Or the *shotrim* may simply have been recording clerks. The word is clearly a *qal* active participle of an unused verb *shatar*. The participle is used to describe the prefects of the people in Egypt in Exodus 5:6-19 and is therefore an ancient designation.

therein appointed a government in the hand of church-officers, *distinct from the civil magistrate*¹⁶ and in that statement repudiated Erastianism. In the same document the divines also repudiated the claim that ecclesiastical government has any business meddling (or “intermeddling” as they said) with the affairs of civil government. “Synods and councils are to handle or conclude nothing but that which is ecclesiastical; and are not to intermeddle with civil affairs, which concern the commonwealth, unless by way of humble petition, in cases extraordinary; or by way of advice for satisfaction of conscience, if they be thereunto required by the civil magistrate.”¹⁷

SECOND CHRONICLES 19:8

The fourth passage that provides evidence of an ecclesiastical government and sanhedrin in Old Testament Israel distinct from civil government is Second Chronicles 19:8-11, alluded to earlier, when Jehoshaphat restored the church government that was first instituted by Moses and later settled by David. “Moreover in Jerusalem did Jehoshaphat set of the Levites, and of the priests, and of the chief of the fathers of Israel, for the judgment of the Lord and for controversies,” etc. There is no question over whether a civil Sanhedrin existed. What must be proved is that there was in Jerusalem, side by side with the civil government, a distinct ecclesiastical government. The passage in Second Chronicles provides for a court made up of ecclesiastical members, judging ecclesiastical causes, for an ecclesiastical end, having final authority to decide matters brought from inferior courts, moderated by an ecclesiastical president, and whose sentence was put into effect by ecclesiastical officers. But that is just what would constitute a distinct ecclesiastical Sanhedrin. One may wish to call it by some other name, but in proving the parts we shall prove the whole.¹⁸

¹⁶ WCF XXX.1, Confession, 120.

¹⁷ WCF XXXI.5, Confession, 123.

¹⁸ Some may wish to call this “duck logic.” If something quacks like a duck, and waddles like a duck, and flies like a duck and has a bill like a duck, and is always found in company with known ducks, it is most likely a duck. Lawyers often set forth this same principle with

First, in this passage we find Levites and priests as members of the court together with certain of the “chief of the fathers of Israel” who together made up the government of the church. This is the very passage adduced by the Westminster Assembly of divines for their statement, “As there were in the Jewish church elders of the people joined with the priests and Levites in the government of the church;” etc.¹⁹ Further, according to Gillespie, this is the passage adduced by Protestants against the Roman apologist Robert Bellarmine to prove that others than “clergy” ought to have a voice in church councils.²⁰

Second, this court was judging ecclesiastical cases. Those cases or controversies were called by the name of “the judgment of the Lord” in verse eight and “the matters of the Lord” in verse 11 to distinguish them from “the king’s matters.”²¹ The nature of a controversy such as “between blood and blood” may refer to the distinction between unintentional man killing as opposed to “lying in wait” (i.e. with premeditation). However, it is also quite possible and some commentators would even say likely, that what is in view is the law regarding consanguinity in marriage.²² The phrase “ye shall warn them” in verse 10 certainly seems to have more in common with synodical decrees (cp. Acts 16:4) than with civil punishments such as restitution, fines, and corporal punishments.

Third, the court had an ecclesiastical end—“Ye shall warn them that they trespass not against the Lord.” Jehoshaphat did not charge them to warn the lower courts not to sin “against one another,” but “against the Lord.” This seems to be for two reasons primarily. The first reason would be that this court would be involved not so much in tort law and criminal law as in first table

the saying, “if you hear hoof-beats, think ‘horses,’ not ‘zebras.’” The present author is aware of the fallacy of composition, and has not committed it with this argument. The author is not attributing the characteristics of the parts to the whole, but demonstrating how each of the parts is consistent with the whole.

¹⁹ “The Form of Church-Government,” in Confession, 402.

²⁰ Gillespie, *op.cit.*, 8.

²¹ *d^ebar YHWH* and *d^ebar hammelek* respectively.

²² E.g., Gillespie in *op. cit.*

offenses. But secondly, even in the case of trespasses and controversies involving personal injury or public criminality the supreme court was tasked with warning the lower courts not to mistake or misunderstand the law—they were to determine the law and its intent such that they not trespass against the giver of the law.²³

Fourth, cases could come before them from the outlying cities (whether by appeal or by reference is immaterial in this respect). When such a case came before the court they were required to “finally decide” it. Their decision was ultimate and therefore it was *the* authoritative determination of the case. There was not a civil court to which the litigation could then be appealed. If there were, then the ecclesiastical system would, in its final determinations, have been subordinate to the civil system. That would have made the Old Testament system fundamentally Erastian in its nature. This was the point that the Erastians in the Westminster Assembly thought was their strongest; and it was the point that they finally had to concede to the Presbyterians after the learned Gillespie arrived. William M. Hetherington described some of the difficulties the Erastians experienced with the young Gillespie:

“When the subject was resumed, another direction was given to the discussion by Selden, who produced a long and learned argument to prove that the passage of Scripture in question contained no authority for ecclesiastical jurisdiction. His object was, to guard against any conclusion of the Assembly, which might contradict the Erastian theory, and therefore he laboured to represent the whole as relating to the ordinary practice of the Jews in their common courts; by whom as he asserted, one sentence was excommunication, pronounced by the civil court. Herle and Marshall both attempted answers, but, says Lightfoot, ‘so as I confess gave me no satisfaction.’ Gillespie then came to the rescue, and in a speech of astonishing power and acuteness, completely confuted Selden, even on his own chosen ground, and where his strength was greatest. He proved that the passage could

not mean a civil court,... This appears to have been the speech referred to by Wodrow, and of which there still exist many traditional anecdotes, illustrative of the very extraordinary effect produced upon all that heard it. Selden himself is reported to have said at its conclusion, ‘That young man, by this single speech, has swept away the labours of ten years of my life;’ and it is remarkable that Selden made no attempt to reply to Gillespie, though he answered some of the arguments used by others who spoke after him.”²⁴

Fifth, this court had a clearly ecclesiastical moderator or president. Verse eleven maintains “Amariah the chief priest is over you in all matters of the LORD” whereas Zebediah, of the tribe of Judah, was Prime Minister respecting civil matters—or the king’s matters. Amariah was not merely present as another voting member. He was *over* the court as its prolocutor.²⁵ This diversity of having not a single head, but two heads, is enough to prove two bodies. Any creature with two heads but a single body is a monstrosity. But here we dare not accuse Jehoshaphat of creating a monstrosity. Therefore there were two bodies. The same man might be the member of two bodies—a civil and an ecclesiastical—or he may be a member of three or four courts without causing a puzzle to us. But for the same court to have two presidents would be strange at least. So the distinction of presidents and of subject matter to each president, makes two distinct courts.

Sixth, and finally, the court had ecclesiastical officers to put its sentences into effect. In verse 11 we read, “The Levites shall be officers before you.” As we saw in First Chronicles 23:26, some of the Levites were *shophtim* and others were *shot^{er}rim*. The latter were the officers to see that the sentence of the *shophtim* was put into effect, and to cause those who would otherwise be refractory to obey the court. So also in this passage some of the Levites were appointed to judge and others were appointed to carry out the

²⁴ William M. Hetherington, *History of the Westminster Assembly of Divines* (Edmonton: Still Waters Revival Books, 1991 reprint of 1856 third edition), 201-202.

²⁵ Hebrew ^אleykem.

²³ Matthew Henry, *op. cit.*, *in loco*.

ecclesiastical censures. Levites were appointed to carry out the censures in part to obviate the possibility of the civil sword being used to place church censures into effect.

JEREMIAH 26:7-9

A fifth passage that might be adduced comes more to observation than to precept, but nevertheless counts as evidence for the *existence* of a distinct ecclesiastical court, whether by *jus divinum* or some other reason. Jeremiah chapter twenty-six sets forth a distinction of authority between the court of the priests and prophets in verses 7 to 9 and the court of the princes of Judah in verses 10 through 24. The prophets spoken of here in Jeremiah were not true prophets of God, but clearly were false prophets. Yet even in that capacity of prophet (whether true or false matters not) they had the authority to summon Jeremiah before them (i.e., they “took” him in verse 8). In this court, Jeremiah was accused and convicted (wrongly of course—it would be more accurate to say he was convicted even before he was taken) of being a false prophet, verse 9. Yet though they had judged him worthy to die, he was acquitted by the court of the princes in verses 10, 11, and 16.

Then in verses 17 and following “certain of the elders of the land” gave the justification for their decision to *reverse* the ecclesiastical court. An Erastian may be inclined to cite this passage to prove an appeal from an ecclesiastical court to a civil court. We will take from the Erastian what he gives, viz., that there was a distinction of courts. But we disagree with the Erastian idea that this constitutes a process to be followed in every Old Testament ecclesiastical case; and that for two reasons. First, the court of the priests and prophets had no power of capital punishment. If they had, then they would simply have signed Jeremiah’s death warrant and would have been done with him.

The reason Jeremiah’s case went from one court to another was due to the fact that the ecclesiastical court was calling for a sentence that it did not have authority *in itself* to carry out. There must be a concurrence of the civil court to carry out a corporal sentence. Yet

second, the court *did* have a power to judge Jeremiah as a false prophet, and one who *ought* to be punished in a certain way corporally according to the law of God. Their judgment was wrong respecting Jeremiah’s guilt, but their jurisdiction was never denied: not by them, nor by Jeremiah, nor by the court of the princes. Rather, what the court of the princes determined was that the court of the priests and prophets applied a wrong standard to Jeremiah’s case. The priests’ and prophets’ court applied a standard that maintained that anyone speaking against the temple was worthy of death. The civil court reversed the judgment because Jeremiah had done nothing truly worthy of death. The justification for the reversal contained both principle and precedent—very much as we would expect from a separate court. Had the civil court carried out the sentence, it would have become a partaker of the ecclesiastical court’s sin.

JEREMIAH 18:18

A sixth Scripture that may be brought forth to intimate a separate ecclesiastical Sanhedrin is Jeremiah 18:18. In that verse, Jeremiah’s adversaries said, “Come, and let us devise devices against Jeremiah; for the law shall not perish from the priest, nor counsel from the wise, nor the word from the prophet. Come, and let us smite him with the tongue, and let us not give heed to any of his words.” Jeremiah’s persecutors were committing the genetic fallacy or an argument from [false] authority. The force of their argument lay in the fact that because those who are of the greatest authority in the church disagree with Jeremiah and he must therefore be a false prophet. These accusers made the same error that the followers of the Pope continue to make—they thought that “the church” could not err. But where would they get such an idea? Certainly they must have adduced the law of the sanhedrin in Deuteronomy 17:10-12, “And thou shalt do according to the sentence which they of that place which the Lord shall choose shall show thee; and thou shalt observe to do according to all that they inform thee: according to the sentence of the law which they shall teach thee, and according to the judgment which they shall

tell thee, thou shalt do: thou shalt not decline from the sentence which they shall shew thee, to the right hand nor to the left. And the man that will do presumptuously, and will not hearken unto the priest that standeth to minister there before the LORD thy God, or unto the judge, even that man shall die: and thou shalt put away the evil from Israel.”

A *misapplication* of the law of the Sanhedrin would cause them to think that a duly appointed council of priests, wise men so-called, and prophets could not err. Therefore they preferred the pronouncements of the ecclesiastical Sanhedrin to the word of the Lord from Jeremiah. This seems to be an ecclesiastical Sanhedrin rather than a civil Sanhedrin. This conclusion follows for several reasons.

First, they make no mention of the judge from Deuteronomy seventeen, but only of the priests and prophets and the *wise*, by which we should understand those who excelled in the knowledge of the law of God. Thus Christ referred to his disciples in Matthew 23:34. So, too, Jeremiah 8:8-9 defines the wise in terms of those who know the law of the Lord (even though they really did *not* know it). Isaiah distinguished in Isaiah 3:2 between the prudent and the judge. Further if we compare Matthew 23:34 (referenced above) with Luke 11:49, we learn that “wise men” and “scribes” are semantically equivalent terms to “Apostles.”

Second, however, their determination to smite Jeremiah with the tongue fits perfectly well with an ecclesiastical Sanhedrin, but not so well with what we would expect from a civil Sanhedrin. Thus it may be that they were determined to smite him *for* his tongue, that is, for false doctrine. Or the phrase may import that they desired to smite him *in* his tongue so that by ecclesiastical censure he no longer would be permitted or licensed to preach. Or the terminology could refer to an ecclesiastical *declaration* or sentence. Then the meaning would be, “do not smite him with the sword, for that belongs only to the civil magistrate. Smite him rather with the tongue by declaring him to be a false prophet and thus ministerially and

declaratively determining that controversy and that case.”²⁶

EZEKIEL 7:26

Seventh, we may consider Ezekiel 7:26 where we read, “...then shall they seek a vision of the prophet; but the law shall perish from the priest, and counsel from the ancients.” Once again the priests and the ancients are to be regarded collectively or jointly in session and not severally and distributively as alone. Here is the meaning: in God’s providential discipline the people would seek after a vision from the Lord, but they would not be able to find it regardless of where they looked. A person may not be disappointed or surprised if a single elder or priest or prophet had no word from the Lord because then it might be sought elsewhere. But if the entire consistory of priests and elders were devoid of wisdom and counsel and knowledge of the law, then the light of Israel would become as darkness. Many Protestant writers at the time of the Reformation cited this verse to show that ecclesiastical councils can err. But if they were sensible in their citations, then they must have *regarded* this passage to have reference to such councils.²⁷

ZECHARIAH 7:1-3

An eighth passage from the Old Testament also holds forth the authority, if not the form, of a distinct ecclesiastical council and that is Zechariah 7:1-3. Some Jews sent Sherezer and Regemmelech to Jerusalem or to the house of the Lord to speak to the priests and prophets who were there in that day and the question they were told to ask was “Should I weep in the fifth month, separating myself, as I have done these many years?” Here is clearly an ecclesiastical question having to do with God’s worship and possibly also having to do with a case of conscience.²⁸ But the reason that the Jews inquired from this council was because they clearly believed that

²⁶ As would be the only authority a church court would have operating according to WCF XXXI.3, Confession, 122.

²⁷ Gillespie, *op. cit.*, 12.

²⁸ “It belongeth to synods and councils ministerially to determine controversies of faith, and cases of conscience;” WCF XXXI:3, Confession, 122.

this council had the authority to “finally decide” the controversy. By the term “finally decide,” church courts convey that there is no further appeal by either party to the case.

THE NEW TESTAMENT RECORD

Finally, this dissertation should consult the New Testament on the matter, for it also holds out an ecclesiastical Sanhedrin among the Jews of the first century. Whether Rome had fully taken away the civil Sanhedrin in the days she ruled Palestine might be controverted. Yet there was certainly an ecclesiastical government in the hands of church officers in those days.²⁹ Note first, there was a council that consisted of the priests, elders, and scribes (Matthew 2:4; 16:21; 21:23; 26:57, 59; 27:1, 12; Mark 14:43; Luke 22:66; and Acts 4:5). Note further that the council was designated in the Greek language of the New Testament as the *presbuterion* in Luke 22:66 and Acts 17:5. But that is the *very name* Paul gave to the explicitly ecclesiastical eldership that ordained Timothy (First Timothy 4:14). It is very doubtful that the Apostle would transfer the name of an exclusively civil court to an exclusively ecclesiastical one without some explanation. Finally, note that this council examined Jesus concerning his disciples and his doctrine, received witnesses against him, and pronounced him guilty of blasphemy (Matthew 26:57, 65-66 cp. Mark 14:53-55 and John 18:19; 19:6-7; Luke 22:66; etc.).

A testimony is established in the mouths of two or three witnesses. But this chapter has called three times the required number to establish a matter: eight passages from the Old Testament, plus the testimony of the New Testament. Lest this author be misunderstood in what he thinks this chapter has demonstrated, he does *not* claim that the ecclesiastical government of the Old Testament was so clearly delineated as it is in the New Testament. Nor does this work claim that there was as clear and complete a distinction of subjects, matters, and offices as exists in the New Testament between the ecclesiastical government and the civil government. Nor does the author

claim that the ecclesiastical government of the Old Testament was always limited in its censures in an identical way that the New Testament ecclesiastical government is limited.

Rather, the viewpoint of the author of this dissertation is much simpler than that. God distinguished in the Old Testament as well as the New Testament between the church and the state. The church and state were co-extensive in the Old Testament and that is no longer the case. The idea of a “national church” is really an anachronism given the fact that the church catholic (universal) is the holy nation of God today (Matthew 21:43 cp. First Peter 2:9). The church and state are no longer co-extensive with respect to their subjects and so the limits of each are much more easily discerned today. But there was a distinction, embryonic though it may have been—which of the ordinances of God was not embryonic in the Old Testament, after all—between the church government that God placed in the hands of church-officers and the civil government that God placed in the hands of others. ❀

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²⁹ See WCF XXX.1, Confession, 120.

James Durham on the Ninth Commandment

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Edited by Chris Coldwell

he Lord having in the foregoing commands directed us how to walk with others in reference to their *honor, life, chastity, and estate*: Now, because men and human societies are generally concerned in the observing of truth and ingenuity, he comes in this command to direct us how to be tender of this, that by us our neighbor be not wronged in that respect, but that on the contrary, all means may be used to preserve truth for his good, to prevent what may load [*reproach*] his name, and remove what lies on it. The scope of it is the preservation of verity and ingenuity amongst men (Col. 3:9), *lie not one to another*; (Eph. 4:25, 15) *Speak every man the truth, etc.* and *Speak the truth in love*; because if otherways spoken, it is contrary to the scope of this command, which is the preservation of our neighbor's name from a principle of love. The sin forbidden here is expressed *by false witness bearing*, which is especially before judges, because that is the most palpable gross way of venting an untruth, under which (as in other commands) all the lesser are forbidden.

Although there are many sorts of sins in words, whereby we wrong others, yet we think they are not all to be reduced to this command, for injurious and angry words belong to the sixth command, and filthy words to the seventh; but we take in here such words as are contrary to truth, and fall especially under lying or wronging of our neighbor's name. Now truth being an equality or conformity of men's words to the thing they speak, as it is indeed, and in itself; and lying being opposite thereto; we may consider it two ways: 1. In reference to a man's mind, that is, that he speak as he thinks in his heart (as it is Psa. 15:2), this is the first rule whereby lying is

discerned, if our speech is not answerable to the inward conception which it pretends to express, and this is that which they call *formale mendacium*, or a formal lie, which is an expressing of a thing otherways than we think it to be, with a purpose to deceive. Then 2. There must be a conformity in this conception to the thing itself, and so men must be careful to have their thoughts of things suitable to the things themselves, that they may the more falsely express them, and thus when there is a disconformity between men's words and the thing they seem to express, it is that which they call *materiale mendacium*, or a material lie, and a breach of this command that requires truth in men's words, both as to matter and manner.

That we may sum up this command (which is broad) into some few particulars, we may consider it first, as it is broken, 1. In the heart. 2. In the gesture. 3. In right. 4. In word.

First, in heart a man may fail, 1. By suspecting others unjustly; this is called *evil surmising* (1 Tim. 6:4), or as it is in the original, *evil suspicion*; which is when men are suspected of some evil without ground, as Potiphar suspected Joseph, or it is jealousy, when this suspicion is mixed with fear of prejudice to some interest we love, so Herod was jealous when Christ was born, and the neighboring kings when Jerusalem was a-building. There is, I grant, a right suspicion, such as Solomon had of Adonijah, and wherein Gedaliah failed in not crediting Johanna's information about Ishmael's conspiracy against his life.

2. By rash judging and unjust concluding concerning a man's *state*, as Job's friends did; or his *actions*, as Eli did of Hannah, saying that *she*

was drunk, because of the moving of her lips; or his *end*, as the Corinthians did of Paul, when he took wages, they said it was *covetousness*, and when he took it not, they said it was *want of love* (see Rom. 14:4 and 2 Cor. 12:4, etc).

3. By *hasty judging*, too soon passing sentence in our mind from some seeming evidence of that which is only in the heart, and not in the outward practice, this is but to judge before the time, and hastily (Matt. 7:1).

4. There is *light judging*, laying the weight of conclusions upon arguments or miseses [*means*] that will not bear it, as Job's friends did, and as the Barbarians suspected Paul to be *a murderer*, when they saw the viper on his hand (Acts 25:4). Thus the King Ahaseurus trusted Haman's calumny of the Jews too soon.

5. The breach of this command in the heart may be when suspicion of our neighbor's failing is kept up, and means not used to be satisfied about it, contrary to that, Matt. 18:15, *If thy brother offend thee*, etc; and when we seek not to be satisfied, but rest on presumptions, when they seem probable.

Secondly, in *gesture* this command may be broken, by nodding, winking, or such like (and even sometimes by silence) when these import in our accustomed way some tacit sinister insinuation, especially when either they are purposed for that end, or when others are known to mistake because of them, and we suffer them to continue under this mistake.

Thirdly, by *writing* this command may be broken (as Ezra 5:6; Neh. 6:5), where calumniating libels are written, and sent by their enemies against the Jews and Nehemiah; in which respect many fail in these days.

Fourthly, but *words* are most properly the seat wherein this sin is subjected, whether they be only or merely words, or also put in writing, because in these our conformity or disconformity to truth does most appear.

2. Lies are commonly divided into three sorts, according to their ends: (1) There is *mendacium perniciosum*, a malicious or pernicious lie, when it is hurtful to another, and so designed, as were

the lies of those that bare false witness against Christ and of Ziba against Mephibosheth. (2) There is *officiosum mendacium*, or an officious lie, when it is for a good end, such was the midwives' lie (Ex. 1:9), thus denying of a thing to be, even when the granting of it would infer hurt and damage to another, is contrary to truth, and we ought not to do evil that good may come of it, and it overturns the end for which speaking was appointed, when we declare a thing otherways than we know or think it to be. And as no man can lie for himself for his own safety, so can he not for another's; thus to lie even for God is a fault, and accounted to be talking deceitfully and wickedly for him, when to keep off what we account dishonorable to him, we will assert that he may, or may not do such a thing, when yet the contrary is true (Job 13:4, 7). (3) There is *jocosum mendacium*, when it is for sport to make others laugh and be merry, which being sinful in itself can be no matter of lawful sport to make others laugh. (4) We may add one more, and that is *mendacium temerarium*, when men lie and have no end before them, but through inadvertency and customary looseness, speak otherways than the thing is, this is called the *way of lying* (Psa. 119:29), and is certainly sinful; as when they told David when Amnon was killed, *that all the king's sons were killed*, being too hasty in concluding before they had tried.

3. Consider lies or untruths, either in things *doctrinal*, or *in matters of fact*. In things *doctrinal*, so false teachers and their followers are guilty, who teach and believe lies, so such teachers are said (1 Tim. 4:2), *to speak lies*, and so when they foretell vain events, this is a high degree of lewd lying on the Lord, to say he means or says another thing than ever he thought, or than ever came into his heart, and to pretend a commission from him when he gives no such commission. In *matters of fact*, men are guilty when things are said to be done when they are not done, or otherways done than they are done indeed.

4. We may consider this sin in men's practice, either in reference to God, so hypocrisy and unanswerableness to our profession is lying (Psa. 78:36; Isa. 29:13), or we may consider it as between man and man, which is more properly

the scope here. Again, we may consider the wronging of a man three ways. (1) By *false reports*, speaking what is indeed untrue. (2) By *vain reports*, which tend to his shame; so Deut. 5:20, this command is repeated in these words, *Thou shalt not take up any witness* (as it is in the original) *against thy neighbor*. (3) When the reports are malicious, whether they be true or false, and intended for that end that our neighbor may lose his good name. Further, consider it in reference to the person guilty, either as he is, (1) the raiser or carrier of a tale, true or false, yet tending to the prejudice of his neighbor; thus he is the maker of a lie. Or (2) as he is a hearer or receiver of tales (Prov. 17:4); thus he is to lying as a resetter [*receiver of stolen goods*] is to theft. And would not men hear tales, few would carry them; whereas when men will hearken to lies, especially great men, all their servants ordinarily become wicked tale-bearers and whisperers. Or (3) as he is the sufferer (albeit he be not the venter) of a lying tale to pass on his neighbor (so he loves a lie, as it is, Rev. 22:8) or but faintly purges him of it, but lets it either lie on him, or possibly takes it up and repeats it again, which is condemned, Psa. 15:3, where a man that takes up an evil report of his neighbor, even when others possibly have laid it down, is looked upon as a person who shall never dwell with God. Thus one invented a lie, another vented and outs it, and a third resets it, like coiners, spreaders and resetters of false money; for, that one said such a thing, will not warrant our repeating of it again.

5. We may consider wrongs done to our neighbor by words, as unjust and without all ground, and so a lie is a *calumny*; as was that of Ziba, made of his master Mephibosheth; this is in Latin *calumnia*. Or when there is ground, yet when they are spoken to his prejudice, this is *convitium*, if especially in this they suffer for the truth's sake; or if after repentance, former faults be cast up to a person, as if one should have called Paul a blasphemer still, even after his conversion and repentance; of this was Shimei guilty by railing on David.

6. Both these sorts of lies are either spoken or received, and not afterward rejected, as David too hastily received that false report made of

Mephibosheth by his servant Ziba, and thinking it not unlikely, because the reporter made it seem to be so, did therefore conclude it was truth, and did not reject it afterwards; or when at first received, yet after upon better information it is rejected.

7. Again, this wronging of our neighbor by words is either of him when absent, and is *backbiting*, which often is done under pretence of much respect (that the report may stick the faster), in such words as these, *He is one I wish well, and should be loath to have him evil reported of, but this is too evident, this is the truth*, etc; this is *susurrare*, to whisper. Or it is of him when present, so it is a *reproach* and *indignity*, or *upbraiding*.

8. Again, this *backbiting* and *reproaching* is either direct, so that men may easily know we bait such persons, or it is indirect, granting somewhat to his commendation, and using such prefaces as in show bear out much love, but are purposely designed to make the wound given by the tongue the deeper; such persons are as *butter in their words*, but as *sharp swords in their hearts*. This is that *dissembling love* which David complains of.

9. Sometimes this reproaching and slandering of our neighbor is out of spleen against him, and is malicious; sometimes out of envy to raise and exalt one's self on the ruins of another (this is *grassari in famam proximi*); sometimes it is out of design, thereby to insinuate upon them whom we speak unto, as to signify our freedom unto them, to please them, or praise them, by crying down another, that is to serve the itching humor of such who love the praise of others, when it may be we know more faults of those we speak to, yet never open our mouth to them of one of these, nor are we free with them anent [*about*] them if the things are true.

10. We may break this command by speaking truth, (1) For an evil end, as Doeg did (Psa. 52:2). (2) By telling something that is truth out of revenge. (3) When it is done without discretion, so it shames more than edifies. Christ's word is (Matt. 18:15), *Tell him his fault betwixt thee and him alone*; and we on the contrary make it an

upcast to him; this certainly is not right. (4) When it is minced, and all not told; which if told might alleviate; or construed and wrested to a wrong end, as did the witnesses who deponed [*deposed*] against Christ.

11. We may break this command, and fail in the extremity of speaking too much good of, or to, our neighbor, as well as by speaking evil of him, if the good be not true, and here comes in, (1) excessive and rash praising and commending of one, [1] beyond what is due, [2] beyond what we do to others of as much worth; this is *respect of persons*; [3] beyond what discretion allows, as when it may be hurtful to awaken envy in others, or pride in them who are thus praised. (2) Praising inordinately, that is before a man's self, or to gain his affection, and that possibly more than when he is absent and hears not; much more is it to be blamed when spoken groundlessly. This is *flattery*, a most base evil, which is exceedingly hurtful and prejudicial to human societies, yet exceeding delightful to be flattered. (3) We fail in this extremity, when our neighbor is justified or defended, or excused by us in more or less, when it should not be.

12. Under this sin forbidden in the command, comes in all *beguiling speeches*, whether it be by *equivocation*, when the thing is doubtfully and ambiguously expressed; or by *mental reservation*, a trick whereby the grossest lies may be justified, and which is plainly aversive of all truth in speaking, when the sentence is but half expressed; as suppose one should ask a Romish priest, *Art thou a priest?* and he should answer, *I am no priest*; reserving this in his mind, *I am no priest of Baal*; for by giving or expressing the answer so, an untruth and cheat is left upon the asker, and the answer so conceived does not quadrat [*square*] with the question as it ought to do, if a man would evite [*avoid*] lying.

13. This falsehood may be considered with reference to things we speak of, as in buying or selling, when we call a thing better or worse than it is indeed, or than we think it to be. Ah! how much lying is there every day this way with many.

14. Under this sin forbidden in this command are comprehended, (1) *Railing*. (2) *Whispering*. (3) *Tail-bearing* (spoken of before). (4) The *tattling of busybodies*, that know not how to insinuate themselves with others, or pass time with them but by some ill tale of another. 5. *Prevarication*, which is the sin of persons who are inconstant, whose words go not all alike, saying and unsaying; saying now this way, and then another way, of the same thing, their words clashing together, and they not consisting with themselves.

15. Consider falsehood or false witness-bearing, as it infers breach of promise, which is forbidden (Psa. 15:4), when one performs not what he promises, or promises that which he intends not to perform, which is deceit and falsehood.

16. As we may sin in speaking evil against others, so we may in respect of ourselves many ways: (1) When we give occasion to others to speak evil of us (1 Cor. 6:2; 2 Cor. 6:3). (2) When we are not careful to entertain and maintain a good name, and by suitable ways to wipe away what may mar the same. It is generally observed, that while men have a good name, they are desirous and careful to keep it; and when they have lost it, they grow careless of it. We ought not to be prodigal of our names more than our lives or estates, for the loss of them incapacitates us much to edify others. (3) When we vainly boast of ourselves, and set forth our own praise; that is, as if a man should eat too much *honey* (Prov. 25:27). (4) When we will not confess a fault, but either deny, excuse, or extenuate it; this Joshua exhorts Achan to eschew. (5) When we say that things are worse with us than indeed they are, and deny, it may be even in reference to our spiritual condition, somewhat of God's goodness to us, and so lie against the Holy Ghost. (6) When we are too ready to entertain good reports of ourselves, and to be flattered, there is (if anything) an open door to this in us; and as the heathen Seneca said, *Blanditiae cum excluduntur placent*, so it may be ordinarily seen that men will seemingly reject what they delight should be insisted in; there is in us so much self-love, that we think some way, that men in commending us do what is their duty. Therefore, we often think

them good folk because they do so, and men that do not commend us we respect them not, or but little, or at least less than we do others, because we think they are behind in a duty by not doing so; and which is very sad, and much to be lamented, few things do lead us to love or hate, commend or discommend (and that as we think not without ground) more than this, that men do love and commend, or not love and commend us.

17. We also may by withholding a testimony to the truth, and by not clearing of another, when it is in our power to do it, be guilty of this sin. But especially is forbidden here public *lying* and wronging of another *judicially*, either in his person, name, or estate, and that:

(1) By the judge, when he passes sentence, either rashly, before he hears the matter, and searches it out, which Job disclaims, asserting the contrary of himself (Job 29:16), or ignorantly, or perversely for corrupt ends, as being bribed to it, or otherways.

(2) By the *recorder*, writing grievous things (Isa. 10:1), or making a clause in a decree, sentence, or writ, more favorable to one, and more prejudicial to another than was intended.

(3) By the witnesses, who either conceal truth, or express it ambiguously, or refuse to testify, or assert what is not true.

(4) By the *advocate*, by undertaking to defend or pursue what righteously he cannot; or by hiding from his client that which he knows will prejudice his cause; or by denying it when he is asked about it; or by not bringing the best defenses he has. And as to the first point here about *advocates*, it is to be regretted (as a great divine in the neighbor church has most pathetically, according to his manner, lately done) as a sad matter, that any known unrighteous cause should have a professed Christian in the face of a Christian judicatory, to defend it; but incomparably more sad, that almost every unjust cause should find a patron; and that no contentious, malicious person should be more ready to do wrong, than some lawyers to defend him for a (dear bought) fee! I speak not here of innocent mistakes in cases of great difficulty; nor yet of excusing a cause bad in the main from

unjust aggravations; but (says that great man) when money will hire men to plead for injustice, and use their wits to defraud the righteous, and to spoil his cause, and vex him with delays for the advantage of their unrighteous clients, I would not have the conscience of such for all their gains, nor their account to make for all the world. God is the great patron of innocence, and the pleader of every righteous cause; and he that will be so bold as to plead against him, had need of a large fee to save him harmless.

(5) By the *accuser* or *pursuer*, when unjustly he seeks what does not belong unto him, or charges another with what he should not, or justly cannot.

(6) By the *defender*, when he denies what he knows, or minces it, etc. And by all of them, when business is delayed and protracted through their respective accession to it, as well as when justice is more manifestly wronged; this is the end of Jethro's advice to Moses (Ex. 18:23), that the people return home, being quickly, and with all convenient diligence dispatched; which, to their great loss and prejudice many ways, the unnecessary lengthening of processes obstructs, and makes law and lawyers, appointed for the ease and relief of the people, to be a grievous and vexatious burden to them; for which men in these stations and capacities will have much to answer to God, the righteous Judge of all the earth, when they shall be arraigned before his terrible tribunal, where there will be no need of leading witnesses to prove the guilt, since every man's conscience will be in place of a thousand witnesses, neither will the nimblest wit, the [most] eloquent tongue, the finest and smoothest pen of the most able *lawyer*, *judge*, *advocate*, *notary* or *litigant* that shall be found guilty there, be able to fetch himself fair off. Oh! then all the fig leaves of their fairest and most flourishing, but really frivolous pretenses, wherewith they palliate themselves, will be instantly blown away by the breath of the Judge's mouth, and so be utterly unable to cover the shame of their nakedness in the manifold breaches of this command; then the greatest stretches of wit, and highest strains of eloquence made use of to the prejudice of truth and justice, will be found and

pronounced to be poor, silly, and childish wiles, yea, very fooleries and babblings; after which, they will not speak again, but laying their hands on their mouths, eternally keep silence. It will therefore be the wisdom and advantage of the guilty in time to take with it, and resolving to do so no more, to betake themselves, for the pardon of it, to that Advocate with the Father, even Jesus the Righteous, who thoroughly pleads, and without all peradventure or possibility of losing it, does always carry the cause he undertakes to plead.

In sum, that which in this command in its positive part is leveled at as the scope thereof, is the preserving and promoting of truth, honest simplicity and ingenuity amongst men; a sincerity and cordially loving regard to the repute and good name of one another; and a sweet inward contentment, joyful satisfaction and complacency of heart therein; with a suitable love to, and care for, our own good name. ☞

Letter to Blue Banner

[Ed. Note. Mr. Baker has given permission to run the "Psalm Singing Hints" paper mentioned in his letter in a future Blue Banner. When it becomes available we will also place it on our website. We also hope to make the cassette tapes of psalm tunes available, which Mr. Baker is preparing, as they are completed. The psalm singing calendar and an add-on to Microsoft Outlook which will load daily psalm singing reminders into its daily planner along with the words and the tune, are all available at the church website, www.fpcr.org. Opening the reminder in Outlook displays the text of the psalm selection from the Comprehensive Psalter and a button to play the tune. You will need a multimedia personal computer to play these tunes. Other free reformed software, such as Calvin's Institutes, the Westminster Standards, and other psalm tune collections, can be found at our web site as well.]

Email from Tim Baker. Greetings again from Southeast Missouri /Northeast Arkansas:

Back in December, I had mentioned to Chris Coldwell that I was planning to write a paper with some Psalm singing hints for the folks who had bought your Psalters through me. He requested a copy. Since you all had made a few suggestions, and since I incorporated them into the paper, I thought you might want a copy. I've attached it in WordPerfect.

Let me first say that I'm a relative newcomer to Psalm singing, so the observations I made may have some errors, and are certainly subject to improvement. You all have a lot more experience, so any further suggestions will be appreciated.

As you can see, I'm doing everything I can to encourage the folks in our church to sing Psalms on a daily basis. This includes making a set of cassette tapes for them to sing along with. Most of the tunes were unfamiliar to me, and I know the others are in the same boat, and the Psalters will go unused without some type of assistance. I've also given them the schedule in a WordPerfect file, since most of them are highly unlikely to access a computer every morning to see what the day's Psalm is supposed to be.

Several folks are particularly excited about singing the Psalms. One person expressed dismay that she did not know of the opportunity to order, and requested ordering info. Several have suggested that we get together for Psalm singing practices, to better learn how to sing the Psalms.

And I can't tell you what a blessing it is for my wife and I to start the day out with a Psalm! Even though I may not have the words memorized, the tune itself runs through my mind for most of the morning and reminds me of what a blessing it is to sing God's Word.

Anyway, thanks so much for publishing the Psalter, putting out the schedule, the MIDI files, etc. Your work should go a long way towards restoring the Psalms to their proper place in worship.

Thanks,
Tim Baker

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The Comprehensive Psalter is both old and new. It is old because the versification actually dates from 1650. It is new because the layout of the Psalm settings has never before been as *useful* as it is in this Psalter. This layout is designed to make the Psalter more helpful to those who desire to sing the Psalms every day of their lives.

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The Psalter Committee of FPCR and Blue Banner Books complete this work with the desire that many of God’s people will have His Word in their mouths day by day and week by week. There are numerous reasons for singing the Psalms. At the top of the list is the simple reason that these are the very songs written by God the Holy Spirit. Further, Christ has promised to sing them together with his people in the midst of the great congregation (Hebrews 2:12 cf. Psalm 22:22). Finally, we should sing the Psalms because they are the Word of God. We rejoice to hear the very words of God found in our mouths, and the mouths of our seed and our seed’s seed, just as God promised in Isaiah 59:21. It is our earnest desire that more of the Reformed community can experience this covenantal, generational promise as a result of our work on *The Comprehensive Psalter*.

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Letter to President George W. Bush

26 January 2001

President George W. Bush
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

Greetings in the name of our Lord Jesus Christ and congratulations on becoming the forty-third President of the United States of America. May the Lord guide you into all wisdom as you govern our nation. One cannot help but think at this time of the last words of King David in Second Samuel 23:3, “The God of Israel said, the Rock of Israel spake to me, He that ruleth over men, must be just, ruling in the fear of God.”

Eight years ago I wrote to the readers of our church’s newsletter, *The Blue Banner*, “It is the teaching of Scripture and the understanding of all the best Reformed divines that the magistrate is the minister of God for the exacting of justice upon the earth . . . It is our duty, as Christians and citizens of the Republic, to pray for President Bill Clinton.”

Mr. President, we continue to call upon the Rock of Israel, but we begin now to mention your name rather than that of your predecessor before his throne. Mr. Clinton was on record as favoring a mother’s “right” to kill her unborn child. We prayed that God would change his heart. Though that never came to pass in the providence of God, yet we now have a president who is on record as favoring the right of the unborn to continue living. We shall pray that God will give you the moral and spiritual strength to stay the course in these dark days.

Mr. Clinton had the opportunity during his tenure to appoint two justices to the Supreme Court of the United States, as well as appointing numerous judges to the federal bench. You may have a similar opportunity. We shall pray that God will give you wisdom to find reasonable, conservative justices who will be able to respect and protect the rights of all the citizens of the nation, including our unborn citizens as well.

Some of our citizens have made much ado about the fact that you won the presidency while losing the popular vote. Please do not allow the misguided complaints of some to deter you

from exercising your office in an energetic manner. The rule of law prevailed and our constitution was followed. If you make it so, there is a significant symbolism in your victory as this country returns from populism back to the rule of law.

The Scripture has much to say about the responsibility of a free people to their magistrate and of a magistrate’s responsibility to his people. As our (Presbyterian) *Westminster Confession of Faith* aptly teaches, “It is the duty of people to pray for magistrates, to honor their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority for conscience’ sake. Infidelity, or difference in religion, doth not make void the magistrate’s just and legal authority, nor free the people from their due obedience to him.” Mr. Bush, it is our intention to pray for you, to honor your person, to pay the tribute that is due to you, and to obey your lawful commands. We desire to have a conscience void of offense toward God or man in this matter.

As for your office, sir, may I respectfully remind you that it is your duty before God to maintain piety, justice, and peace according to the wholesome laws of these United States. As the sweet Psalmist of Israel wrote these nearly 3,000 years ago, “Defend the poor and fatherless; do justice to the afflicted and needy. Deliver the poor and needy: rid them out of the hand of the wicked.” In the New Testament the Apostle echoed this admonition at Romans the thirteenth chapter, “Rulers are not a terror to good works, but to the evil . . . the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.”

Those who love the ways of the Lord will pray that God will grant to you and to those whom you appoint the courage and the true piety to know the difference between good and evil, to be a terror to the evil, and a rewarding encouragement to those who do well.

May God bless you and these United States of America.

Respectfully,

Rev. Richard Bacon, Ph.D.

Pastor, First Presbyterian Church of Rowlett

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