

Clough Deuteronomy Session 5

Deuteronomy 1:6-18 - Blessings of the Abrahamic Covenant Begin to Appear
Fellowship Chapel; 10 Nov 09

On the handout tonight we're going to just have again a brief review; last time we dealt with the first set of verses, Deuteronomy 1:6-8 and if you'll turn to the Exodus 3 passage again, just to review some of the basic elements of that passage because that passage, Exodus 3, is the, how shall we say, it's one of the theological centers; Exodus 3 is one of the centers of Old Testament theology. It's there where you see the God revealing Himself. And so in chapter 3, the burning bush incident that we said last time, fire, that was the presence of God, so often God is seen in the fiery motif, the pillar of fire of course. And this fire was in a bush and the thing about the bush was it wasn't burning. And so we say that that shows you that the fire wasn't dependent upon the bush. It was not a burning bush, it was an un-burning bush because it wasn't consumed, and that was what caught Moses' attention.

We had a question from last week, it's a good one, isn't the bush Israel? Symbolically yes, but physically in that audio-visual demonstration the bush was also showing that the fire was independent of the bush and theologians have pointed this out as a picture of aseity, which was one of the two doctrines that we saw out of that. The word "aseity" means God is absolutely independent of everything. And we used the illustration of a photograph; a photograph is not the antitype, what we have revelationally is, as it were, a photograph of some thing, some aspect of God's character but it isn't that, it isn't the character, God is totally independent. And I have on the outline, in the notes, handout, Auca Indian massacre, it turns out after years of wondering why the Auca Indians killed the missionaries, one of them, after they became a Christian said that it was their thinking, when the missionary made the mistake of showing a picture of one of the people in the village, and they thought when they saw the picture that the picture had stolen the soul out of this person, so they thought that the missionaries had come to steal their souls, instead of saving their souls. And it was just a total misinterpretation of what the photograph was that led to that massacre. So that was one point about Exodus 3, that the bush NOT burning is a picture of God's independency and He does not need any "thing," He doesn't need a supply.

And we also said there's a doctrine of God's condescension, that God condescends to come down to our level and interact with us, and that has been misinterpreted over the past decade by the so-called "open theologians," open theology is the idea that when you see passages, such as in Genesis 18, God comes down to see what's going on in Sodom and Gomorrah before He passes judgment; God comes down in Genesis 11 to the tower of Babel, the open theology people say that those passages of Scripture are teaching that God's omniscience is not really omniscience, that God has to find out things by actually going down into history to find things out. And they claim that their open theology is a direct exegetical result of those passages. But if you look at who God is and you look at condescension that God comes down into history to interact with us, those passages don't teach that theology, they simply teach the fact that when God shows up He talks to us as a person, He interacts with us, He expects to find things out. He, in Genesis 18 He's acting as a judge.

What does a human judge do? He gets the facts before he judges. So He says I'm going down to Sodom and Gomorrah and getting the facts and then I'm going to judge them for it. So these passages that are cited by open theologians don't really teach that. Now all theological controversies are usually pendulum things, where the pendulum shifts from one thing to another. And open theology actually is a reaction to extreme Calvinism that treats history almost fatalistically. And what the open theologians are saying, that just doesn't fit the text; we see God interacting with history. And so it's not like God is some sort of a robot that fatalistically orders history. So it's a reaction against that extreme but it was an over reaction and so I think that's enough said there.

We had a question: Isn't aseity altered by God's love for us? And I think aseity has reference to the metaphysical, it has reference to protecting God's self-contained independence, but it's not like Islam; in Islam when they talk about what their view of Allah is, that Allah can do anything that he wills, including going against his nature. In other words, a Muslim theologian can argue that sovereignty means God can do anything and He can do bad things and He can do good things because He's not constrained by His nature. That's voluntarism in theological terms. But in the Christian position, the Judeo-Christian position is God doesn't do anything outside of His nature or in conflict with His nature, and since He is the same yesterday, today and forever, that nature doesn't change, so that is where your stability is, it lies in His immutability that He doesn't change from age to age.

So aseity has to do with God's metaphysical position, but when He condescends and He enters into contracts, that deals with His ethical obligation. In other words, outside of Himself He now is ethically obligated to carry out contracts. That is what offends, again, the Muslim idea of a totally sovereign willing deity because that means God is now constrained, He's constrained ethically, He's not constrained metaphysically, He's constrained ethically, He's party to a contract now. And that's a stunning thing, you can't minimize that. That's why I keep going over this and over this and we'll go over it dozens and dozens of times as we go through Deuteronomy because Deuteronomy is one of the key contracts of God with human beings.

All right, let's turn to Deuteronomy now and we'll look at the text; again we wanted to review the two verses, three verses that we've had. See the outline there, on the first page, verses 6-8 is the command to depart from Sinai. And down in the handout, at the bottom, I've kind of literally translated the Hebrew, so it's not a pretty English translation, it's just the way the Hebrew is. "I have set the land before you ... go in and possess it ... which I swore to your fathers." And the key there is what "I swore to you fathers," so when He tells them to move out, when He tells them to leave this place, He's telling them and He's connecting this command with a previous promise, which led to the... I think it's the first slide here, it led to the Abrahamic Covenant. And one of the things to remember about the Abrahamic Covenant is that it is unconditional. So if you flip over to the second page, I think the second page of the handout, I address this issue of the Abrahamic Covenant.

Now the Abrahamic Covenant will come up again and again in Deuteronomy. And in the text, in verses 7-8, it says, "Turn and take your journey; and go to the mountains of the Amorites, to all the neighboring places," and he lists specific real estate, specific places that you can plot on a map. And those places are labeled there to give you an idea of the dimension of the land. Now this Abrahamic Covenant, this contract, is an unconditional contract; that means it has been given in history to Abraham and his descendants. Now whether they personally and generationally participate in the blessings of the covenant is up to their response. But the covenant itself is unconditional. And we went through last time the four passages in Genesis where this covenant comes into history, is revealed, is interacted with, and finally is established with an oath of malediction. So those are the passages and it's critical because the Abrahamic Covenant underlies everything that's going on here, and we want to see the argument and relate it to the argument of this part of the book.

Here's the big picture, again going back to that outline. From chapter 1 to chapter 4, that whole section that we're dealing with has basically the them to motivate these people in the second generation to be blessed, and the only way they can be blessed, if God isn't going to change His nature and is going to be loyal to the contract is they've got to submit to the terms of the contract. That's the cause/effect here. So if they want to be blessed in the second generation they've got to do that but that requires effort, it requires faith, it requires trust and people have to be motivated because faith isn't just passive; it's a choice. And so Moses is motivating, these whole four chapters are motivational. And this shows us how in the Bible the prophets and the elders and the great leaders motivated people. The interesting thing is that in verse 6, 7 and 8 he begins the motivation by relating it to a previous contracts. Well, you say, how does that motivate? It motivates because this contract is unilateral in that it is what God is going to do. So the question is, if I'm going to trust Him, I want to know if He's trustable. Well, how do you know He's trustable? Whether He's fulfilling the terms of the contract, it's very simple. So you have an unconditional covenant and we'll see whether God is fulfilling that. Well, all the places in verses 6, 7 and 8, those places have to do with the land promise; embedded in the Abrahamic Covenant is a land promise, it's real estate.

Next slide, and we showed this last time, of how big that land is. It was never fully occupied. Now this has consequences because if the Abrahamic Covenant is unconditional, and Israel has never occupied that land, and it's unconditional, what does that say about the future? It says it still has yet to be occupied. So this is why we are premillennialists; we believe that in the Millennial Kingdom that's when this land promise is fulfilled. And it's amazing to me that we have people in the Reformed camp that talk endless about God's sovereignty and God's unconditional choices, and they balk when it comes to an unconditional covenant. Here we have an unconditional covenant in Scripture. The unconditional covenant compels us to say that has to be fulfilled. It hasn't been fulfilled, therefore it must be future. That's the basis of the premillennial faith. That is Jesus Christ comes prior to the Millennium in order to establish and fulfill that covenant.

Now the Abrahamic Covenant has come other promises in it, but the kind of theology that denies this, we call it Replacement Theology, because what they are saying is that the Church has taken over God's program now; the Church is going to fulfill this. Well, then you ask them, well, how is the Church fulfilling it, I don't see the Church occupying the land? Oh well, that is in a spiritual sense. Well wait a minute, this is a contract that talks about real estate, let's not bugger up the text here, the text is a contract that speaks of real estate, not a spiritual blessing, there are spiritual blessings included, but what do you do with that. You can't be wishy-washy about the text; the language here specifies that God has to do this, therefore we are premillennialists because the Abrahamic Covenant is unconditional. But if, in Replacement Theology when they see the Church as replacing Israel, but then they don't want the Church to inherit the land, because that's not spiritual, now they've got to readjust the text. Or, say that the Abrahamic Covenant is conditional, that is, that Israel violated it and it's over. But if you say that you've made the Abrahamic Covenant conditional, not unconditional. So it ties up with the structure of these things and you can't be hasty in this. The new word, by the way, in the last four or five years for Replacement Theology by those people, it's called Supersessionism, that's the academic buzz word for that position.

Okay, let's have the next slide. Now tonight we are going to advance to Deuteronomy 1:9-18. Follow Moses' argument. In verses 6, 7 and 8 he's talking about land. There's three things in the Abrahamic Covenant that are promised, basically: a land, a people, and a blessing to the world that would be coming out of Israel to all the world. But included in the people promise is also a nation promise. There are two Hebrew nouns here, one means people, the other means nation. Now you can't have a nation if you don't have people. So obviously what comes first? People have to come first. So let's think about this; we've got three promises in the Abrahamic Covenant. Now in verses 6, 7 and 8 which of those three promises do you see Moses emphasizing? He's saying let's go and take the land. So he's referencing the fact that the Abrahamic Covenant is coming into historical fulfillment, and let's do it. He's promised that He's going to do it, let's take Him up on His promise. So verses 6, 7 and 8 amplify the land promise of the Abrahamic Covenant.

Now we come, in verses 9-18, so if you'll follow in the text: "And I spoke to you at that time, saying: 'I alone am not able to bear you. [10] The LORD your God has multiplied you, and here you are today, as the stars of heaven in multitude. [11] May the LORD God of your fathers make you a thousand times more numerous than you are, and bless you as He has promised you! [12] How can I alone bear your problems and your burdens and your complaints? [13] Choose wise, understanding, and knowledgeable men from among your tribes, and I will make them heads over you. [14] And you answered me and said, The thing which you have told us to do is good. [15] So I took the heads of your tribes, wise and knowledgeable men, and made them heads over you, leaders of thousands, leaders of hundreds, leaders of fifties, leaders of tens, and officers for your tribes. [16] Then I commanded your judges at that time, saying, 'Hear the cases between your brethren, and judge righteously between a man and his brother or the stranger who is with him. [17] You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid in any man's presence, for the judgment is God's. The

case that is too hard for you, bring to me, and I will hear it. [18] And I command you at that time all the things which you should do."

Now observe the text, observe in verse 9, there's a phrase in verse 9, the same phrase is repeated in verse 18, what is the phrase? "at that time." So obviously this {?} here, this section of Scripture from verses 9-18 is talking about something that happened in their past, their immediate past. And if you study that, it happened in Exodus 18. Now here's something interesting. Exodus 18 preceded Mount Sinai, so he's talking about an event that preceded the giving of the Ten Commandments and the giving of the Law.

So now the question is, if all this large scale of this part of the book of Deuteronomy, if the argument is to motivate, why is this section in here; why is Moses going back to something that happened prior to the Mount Sinai theophany, what's the deal here, why pick this incident in his argument to motivate the second generation to obey, to encourage them? Well, obviously what's the problem in verses 9-15? The problem is they multiplied, and if you look carefully at the language in verse 10, there's an expression there which, if you have studied in Genesis and the Abrahamic Covenant do you recognize what Moses is referring to. What does he say? He says "as the stars of heaven," remember the scene, one of those scenes in the giving of the Abrahamic Covenant? You will be like the sand of the sea or the stars of heaven. So Moses picks up that very same language of the contract and he says this day we have seen it fulfilled. Here's the Abrahamic Covenant coming into appearance, historical appearance, and so this problem of picking people to do this and the judges and all the rest, that's subsidiary material to the main point that all of a sudden now we have a people ready to become a nation. So by citing this material he's going back, in effect, picking up the people promise of the Abrahamic Covenant. So now we've got the land promise, let's do it, He's promised it.

And number two is he's already multiplied us. Now let's think about this multiplication problem. Where did Israel expand from a family of seventy to a nation of, say over a million? What were they doing? They were in captivity. And you remember their population growth rate was so rapid that the Egyptian people were concerned about these people multiplying like rabbits here, even though we're treating them like slaves; what's going on. Well, that was God's accelerated plan to grow a people, and it's in conformity, see, history follows, it follows in conformity with these contracts.

So let's look now at what happens. By the way, here's an interesting thing that pointed out about population growth rates, that Henry Morris pointed out back, I guess, thirty or forty years ago; take a piece of graph paper some time and compute, do it on an excel spread sheet, compute, you start with one, the first Jew, 2,000 BC, Abraham, take the total number of Jewish people today and consider the fact that down through history Jewish people have had to survive genocides, so your population growth rate, and compute. You've got a starting point here, Abraham, number one, and you have the total Jewish population on the planet right now, say 2000, so there's 4000 years. So in 4000 years your population has grown from 1 to this existing Jewish thing. Now, derive a

growth rate from that, which you can do, you can do a lot of things. So you compute, then, the growth rate for the Jewish people.

Now here's an interesting thing; if you take the total population on the planet, of all people, and work backwards, with the same growth rate, you come out with the fact that the human race can't have been around more than six or seven thousand years. The population growth rate of the Jews is representative, there's no reason to think it isn't, if anything it might be a little too fast, but on the other hand if that is semi representative of the human race, and we've been around for millions of years, we should be eight deep. Where are all the people? It's a simple math problem, folks, it's just the geometric ratio. You can solve it with a hand calculator. So here's one of those little pieces of truth you see that drop out of the Scriptures when you start thinking about it these things start to fit together.

All right, so we've got all the people, this is Exodus 18 before the whole thing happens. And in verses 10 and 11 it's sort of an exhortation in the middle of the narrative; in other words, he's narrating this and he says "May the LORD," he just exclaims, "May the LORD God of your fathers make you a thousand times more numerous than you are," speaking right then, and then he says... now verse 12 goes back to the incident that is captured in Exodus 18, "How can I alone bear your problems, and your burdens and your complaints?" So here's the crisis that came about because the Abrahamic Covenant started blessing them, and the question is, what do you do?

So we have some interesting concepts of leadership here. And there's some principles here and I think I put those on your handout. Yes, it starts out with the fact that leadership, the toughest thing in a leadership position is delegating responsibility, and it's hard to do because on the one hand you delegate it to people who are irresponsible and it's a disaster; on the other hand, if you've got a big situation you can't micromanage the thing either. Think for example... a doctor friend of mine did his master's thesis at Wharton Business School, and he was an M.D. and he was studying to get his master's degree for his medical practice, and he did a most intriguing master's thesis, and as a doctor he looked at the whole human body and how the human body is engineered, and he said, isn't it interesting how God designed the human body; think of the autonomic nervous system, its delegated responsibility, because our command center would be overloaded if every time our heart beat we had to give an intelligent thing, okay beat, beat, beat, and we had to breathe, breathe, breathe, and all the body functions were constantly coming up into our brain in the cerebrum, where we're thinking, cortex, in our cognition area, we'd be confused, we'd be totally swamped; we could not micromanage our own bodies. So therefore, in the anatomy of the human body God has delegated responsibility to the autonomic nervous system. The responsibility is delegated at low sections and these responsibilities and decisions are made there.

So what Moses is going to do, he's going to put leaders with each marching unit. Now that's going to change when they go into the land. Verse 15 describes what's happening as they're marching through the desert; that's why it's done numerically. He breaks them down into units. Now he says three things about the qualifications, which I think is sort of interesting. Verse 13, three characteristics to select responsible

followers and leaders. Number one, "wise, understanding and knowledgeable." There are distinct words used here. The word for "wise" is chokmah, and it's The Book of Wisdom, the Proverbs, that's what he's talking about. Choose people, choose leaders that have chokmah, that is, a sense of God's design. And the book of Proverbs was written to train the young men around King Solomon, apparently, because that was the curriculum. And so obviously they thought chokmah was very important with people so they had all the proverbs. So the first qualification is they must have chokmah, they must be mature, they must have a sense of God's design.

The second word is bin, or understanding, and this word has the flavor of discernment, so that in a given circumstance they can apply chokmah. So not only know the chokmah but they have a sense of oath. This is what the deal is about. And so that's discernment. Then they have a third qualification of the leader and that's interesting. Notice what it says, "men from among the tribes or literally, it says in my translation, "knowledgeable men from among your tribes," but another way of handling that in the Hebrew is "known among the tribes," in a passive sense. These people are recognized. So it's not just that they have chokmah, it's not just that they have discernment, but they have to be known; they can't lead if they don't have a rapport with the people that they're trying to lead. And you see this later in the Old Testament, in how God selects the kings. If you think about it, how old was David when he was selected by the prophet Samuel? He was a young fellow. How old was he when he got the crown? Years later. Now is it true that David was selected by God as a teenager? Yes. But did he inherit the office and exercise responsible leadership? No. What had to happen? He had to be mature. And so the whole 1 Samuel, 2 Samuel narratives are about the maturing of David so he can fulfill the position of king. So that's what that "known among the people." So those are the three qualifications.

Now the second thing on the outline there, I put Exodus 18:13-16, pre-10 commandments' statutes. In other words, what Moses says back in 13 is I will teach you and you will teach them statutes. That's why I say it's pre-10 commandments'. Now we've got a little question we have to answer here. What are the statutes if they existed before the giving of the Law. I thought the statutes came after the giving of the Law. So we have a theological issue here, what are these statutes. So we're going to have to deal with that and what we'll say is that these statutes are common understood moral principles. They were understood by all people, and I'm going to emphasize that in a moment, but for now just say the reason that those statutes can preexist the Sinaitic law is because people have conscience, Romans 2. There's common sense, they had revelation from Noah. So it's not that these people were morally stupid, morally ignorant, they had a sense of justice. And that's what Moses is teaching here. Now that sense of justice is going to be focused and defined across all of society once God gets through revealing the Law.

Then he says in verse 16, "I commanded your judges at that time, saying, Hear the cases between your brethren," now here is where we're going to get, and I think it put it down here, yes, down on the bottom of your handout, here we're starting to get into social justice; could we have the next slide. We're going to see this come up again and again because Deuteronomy is an exposition of social justice. We hear the liberals talk

about social justice but the Bible does talk about social justice. And it's part and parcel of the truth of the Word of God. So social justice, talking about it, it's not wrong to talk about it, it's what you define to be social justice. So here we're going to see one of the first elements in this book that deals with social justice. What he does, he appoints in verse 16 judges; these are shoterim; we could say in the organizational structure Moses is the final judge here, we'll show that in a moment. So you have one supreme judge. But Moses can't be judging all the cases, they've got a million... the docket is full here, so what are you going to do? You've got to have deputy judges. So that's what's going on in this verse, he's appointing deputy judges.

What are the deputy judges to do? Now notice the words, notice the nouns in this verse. "Hear cases between your brethren, and judge righteously between a man and his brother or the stranger that is with you." Notice there's three things, "between a man and his brother, or the stranger who is with him." On that diagram of social justice I contrast what we're seeing here with the Code of Hammurapi. You can go to the library, go to the internet and you can pull up the Code of Hammurapi. People in our secular classrooms hear all about the Code of Hammurapi, but of course, you can't discuss Moses because that's religious. But the Hammurapi code is well-known and all you have to do is read it, just get it out and look at it and you'll see an interesting thing, there are three classes of people involved in social justice under the Code of Hammurapi, nobles, citizens and slaves defines our difference and the rules of evidence are different for each social class. That was the pagan law code and their idea of social justice. Now here there's only two, there's Jews and resident aliens, "the stranger that is with you." Who I a resident alien? A resident alien is a Gentile who came to live in the land, business perhaps, whatever, sometimes they just liked it because they were refugees, they were political asylum in Israel where they had justice so they would come to the nation Israel for various reasons. They would marry, perhaps, into the land. So you have, for example, Ruth is a Moabitess and she's in one sense, before she married she was an alien to that land.

Okay, so what does it say here? It says "judge among your brethren," now in the chart there are two classes under the Law of Yahweh. Those classes are not defined in terms of social position. Look on the left side of the chart versus the right side of the chart. The right side of the chart, those are defined by one's economic status in a society, one's success in a society, whatever, whatever class, it's almost like a caste system that's involved here, and depending on what class you're in, that is your protocol, your judicial protocols apply by class, and that was normative in the world. That's the point I'm trying to make here, that's the normative pagan way. It is not impartial justice. We take impartial justice like it's some sort of an axiom that just dropped out of the sky somewhere. That is not true. Impartial justice came out of the Scriptures. And yet we want to deny the role of the Scriptures in judicial proceedings. Where do you think this came from?

So, how were the two classes defined under the Law of Moses? They were defined in terms of property. Now that's the only difference between an alien and a Jew under the covenant, under the structures here. Each person was given an inheritance title to a set of property, a piece of

property. Now you could be a fool and economically lose that property, but in the end of the year of jubilee it would revert back; you could never permanently sell your title. Every person had a title to a piece of land. Now you say well, big deal, what's that do? All right, let's think about land, let's think about it in an agricultural setting, what does land do for you economically? It becomes a place that you subdue. God planted a garden in Genesis 2; what did He do in the garden? He wasn't just growing flowers, He was growing food. So that becomes the source of your economic productivity, the orchards, the farms, so land and the title to that land gave people an equal economic opportunity. But what it did not do is guarantee an equal production. That's up to the person.

See, here's where we're screwed up in our society right now with the word "equal." Let's talk about this word equality here for a moment. What we have is judicial equality, that means there is one set of judicial standards that apply to everyone in the nation of Israel, in contrast to the Code of Hammurapi. That's equality under the law, that's judicial equality. But for some strange reason, because of Karl Marx and the socialists today we've got this idea of economic equality, somehow that's supposed to be part of social justice, and social justice is defined in our society meaning economic equality. That's not in the Bible, that is not social justice, and the reason it isn't is because God honors cause/effect and responsibility. All people are not going to produce equally; there always is going to be a difference. That's why we keep saying over and over, in social justice biblically is for freedom and you cannot have social justice with freedom and have equality of outcome. Show me how you can do that. You're either going to have to force an equality of outcome by destroying freedom or you're going to have to elevate freedom and the corollary to freedom is some people are going to excel and some people aren't. That's the way it is.

And the reason I'm making a point about this, and this is not just economic here, this is not just political, this is soteriological. What do you think the rewards are that Jesus Christ gives out at the Bema Seat. Does everybody get the same reward? Is that what they taught in the New Testament? No, our rewards are proportional to our obedience and our production spiritually. Is everybody going to have the same level? No. When Jesus runs the Bema Seat He's not Karl Marx, He's not a guy that's going to "oh, I feel sorry for you, we'll give you extra points," affirmative action here. That's not the way it is done in Scripture; it is not done sociologically, it is not done economically, it is not done politically. So when someone yak-yaks about the equal rights, ask them a question: what do you mean and why? What do you mean by equality? Do you mean everybody is the same height? No. Everybody has the same IQ? No. Everybody is the same gender? No. Well then, what are you talking about equality for? What do you mean? We need to ask that question because people aren't asking the question and they see the word "equality" and all of a sudden it's like a knee-jerk reaction, they think they know what they're talking about and they haven't thought it through. So that's why I'm making a big point tonight about this, we'll see this again and again as we look at the structure of Moses' law.

Let's look now at the functioning of the courts. [16] "Hear the cases between your brethren, and judge righteously between a man and his brother or the stranger," so apply the same standard. Verse 17, "You shall not

show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid in any man's presence, for the judgment is God's." Now on page 3 of the handout I've given a very super liberal translation of the Hebrew so you can see the flavor of this. In verse 17, in the Hebrew it says don't "recognize faces;" now what's that mean? It just means partiality and that the Hebrew expression for impartiality is you don't recognize a face; when you see someone you don't accord that face, that person more his due under the law than somebody else's face. Don't "recognize faces."

Then it's followed up with an explanatory clause, "hear the small as well as the great," in the Hebrew it says, "as the small as the great you shall hear." So again it's just a clarifying phrase of impartiality, and it's to be a concern because there are going to be people now in the nation, and we'll go into this matter of social justice, there are two classes of people that have to be protected in Israel, the orphan and the widow. Now why are they super protective of the orphans and the widow? Because who has title to the land? It's the male. The men had the title to the land, the man who dies, what about his widow? What happens now? She is in very great danger of losing that land and if she loses the land she's lost her economic opportunity. So that has to be protected. And the Mosaic Law Code has numerous exhortations, and the prophets become very angry, if you read Isaiah and Jeremiah, that you have abandoned the small, you have abandoned the widows, you've abandoned the orphans and God is going to judge you for it because He expects you to treat people... and give them the equal opportunity, not equal outcome but equal opportunity and to protect them and their security. It was basically a social security that they had in that title to the land.

So, it says, "as the small as the great you shall hear." Then it says you should not submit to the authority of the face of a man. The Hebrew expression here for submit to authority is in Deuteronomy 18:22 when it says a legitimate prophet you have to submit to him and if he's a phony you don't submit to him. It's to honor him, it's to respect his position. So what he's saying here is you should not respect the position when you're involved in a judicial fashion here with somebody in a courtroom situation, "you shall not submit to the authority of the face of a man."

Now look further in verse 17 and what's the last clause here; the last clause is the rationale for impartiality. This why some passages of Scripture you can read fast; other passages of Scripture you have to read, re-read, re-read and think. This passage is very deceptive and simple. When you start taking the clauses apart and unpacking it first, you realize, wait a minute, there's some profound things being said here. This last clause is the basis for judicial impartiality, "for the judgment is Elohim's." Or in the Hebrew "the judgment is God's," it an Elohim matter. And by the way, it's not Yahweh at this point; Exodus 18 is prior to Yahweh's law.

So we want to summarize this. And by the way, the word "judgment" is the Hebrew word mishpat, it's a verdict, in other words, the end product of this judicial proceeding, the verdict, is Elohim's; that's why it has to be impartial. It's not in the final analysis man's verdict. It is God's verdict. Now this puts God front and center in the judicial process and this is why the pagans could not have impartiality in their judicial

system, and why we are not going to either, because once you do away with a strong theology, that God is the One to whom we are ultimately responsible it's up to whoever has the best lawyer, it's up to whoever the judge played golf with yesterday afternoon on the course, did he feel good or did he lose? It is all of these other things that become uncontrolled if we don't have a strong theology over the judicial system. That's why it used to be done in courts, you swore on the Bible. What was that all about? Because it was the 9th commandment, people knew that swearing on the Bible was built on the 9th commandment which is you shall not have perjury. But the commandment was before God I will not. That's what {?} of the oath, and today the oath is... whatever it is.

So the judicial system, to be impartial and functional must have a theology behind it. So therefore the principle section of the handout, I've tried to summarize some of these principles and this is sort of the guts of the theology tonight.

Point 1, a crime is defined by the Lawgiver, not by the victim, not by the perpetrator and not by the court. If you want to see an eloquent statement of that, in Psalm 51:4 after David, when he confesses his sin he makes this very strong point in the Hebrew, "Against Thee, and Thee only, have I sinned." What? Didn't he sin against Uriah? Didn't he sin against Bathsheba? He did harm to them, but the sin was against God because God was the Lawgiver. You see, in a courtroom, it's So and So versus the State of Maryland. Why is that? If somebody commits murder it's So and So against the State of Maryland, it's not So and So against the victim. It's So and So against the State of Maryland because Maryland made the law. So it's a biblical principle, a crime is defined by the lawgiver.

Second point, the source of all law is Elohim, meaning that God has structured our conscience in such a way that there is some awareness in all people, which leads to point 3. This is all packed inside that verse 17, this is why I want to be careful about this.

3. Elohim's attributes of righteousness and justice are the only sufficient basis for law. And I gave you two illustrations; the first one is Justice Robert Jackson at Nuremberg. At Nuremberg they faced a problem; this is one of the first international tribunals. Now here's the problem. The Nazis who were accused of committing atrocities against the Jews could get up on the stand and argue that they were just carrying out orders, therefore, their acts against the Jews, since it was commanded, down the chain of command, they are excused. Did they or did they not conform to German law? They conformed, because by definition in 1933 once Hitler was in power he replaced basically the whole idea of any functional republic in Germany. What Hitler said went, the Gestapo said do it, the soldiers said, "yes sir," and did it. Now in that situation a lawyer would defend the Nazi person accused by arguing that you can't prosecute because prosecution revolves around a law and they followed their law, so how can you prosecute the Nazis.

And here's what... and they had judges from all the countries and our representative was Robert Jackson at the time; he was on the Supreme Court. Notice what he said; this is a classic statement. "These men should be tried on this basis on a higher law, a higher law that rises above the provincial and the transient." What do you think Judge Jackson

is saying by that sentence, in context of the Nuremberg trial? How is he answering the defense's objection that you cannot prosecute these officers because they were fulfilling regulations, legitimate commands through the German chain. He uses two words, two adjectives. What does he mean? Anyone? "law that rises above the provincial and the transient," universal. The word "provincial" means it's just Germany, it's not Holland, it's not England, it's not Russia, it's not the United States, it's not provincial, it's not restricted to any particular nation-provincial. And "transient," what does he mean by that? Changing. See, right here when it really got down to the nub of a critical international problem, what do you find the justice having to resort to? Absolutes, a transcendent moral absolute. Now isn't this fascinating, because our whole culture today is grounded on the idea that such a thing doesn't exist. And yet when we had the Nuremberg trials they are resurrecting this thing because it's the only way they can accuse justly the Nazi officers that were being accused of atrocities. There was no written international law. Okay, so that's point 1.

Now here's another one: Martin Luther King, in a famous letter from Birmingham Jail in 1963, he was thrown in jail because he violated some rules about gathering and so forth in the town or something, and he answers this; it's a fascinating portrayal of this. Unlike some in the civil rights movement Martin Luther King, his dad was a conservative Methodist, by the way, and the sad chapter in American history is that Martin Luther King requested to be a student at a very well-known evangelical seminary, I just found this out about two years ago through a black friend of mine, and he was rejected because they had a segregated campus. Now think what would have happened in this country had Martin Luther King gone to this evangelical seminary, which he wanted to go to, and been trained in conservative exposition of Scripture instead of going to Union Seminary in New York City, which we always refer to as Union Cemetery, and learn all the liberal higher criticism views of Scripture. See, sad day. Anyway, here's what happened.

"One may well ask, 'How can you advocate breaking some law and obeying others?' The answer lies in the fact that there are two types of laws: just and unjust. I agree with St. Augustine that 'an unjust law is no law at all.' I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading the law, as would the rabid segregationist. That would lead to anarchy." He was not an anarchist, and I had an interesting conversation, years ago at the proving ground where I worked; this person was going on and on about everything was relative and so on and I said well, then, I guess you'd have to say that Martin Luther King... the argument was I was asking on what's the basis of legal judgment and the answer I got back from him was what the majority believe. Okay, now in Birmingham, Alabama in 1962 what was the majority view? So then you're going to have to say that Martin Luther King was wrong. Yes. Well, they didn't want to say that. So I said, well then, what's the basis of right and wrong. See what Luther King is doing here and we could disagree about some of the tactics and stuff, but look, what is he saying when he says "the answer lies in the fact that there are two types of laws, just and unjust," what does he mean by that? Just and unjust laws. If you're going to identify a law as just or unjust, what does that show that you're doing, standard wise. That you've got a higher standard that you're evaluating the law on.

Now there's some theories of the law and we'll get into this later, but here's the deal. In the 20th century in legal community, there's an expression called positive law. What is meant by the term "positive law" is that something is not wrong unless there's a positive piece of legislation that defines it to be wrong. See what I'm saying? Positive law is that wrongs don't exist unless you have a publicly legitimately legislated law that defines it to be wrong. In other words, there's no higher standard than what is written on the books. That's almost universal today. That is almost universal! And when you have a bureaucracy and a mushrooming government, nine times out of ten, or ninety-nine times out of a hundred, you'll have people say "well, that's the law," and nine times out of ten it's probably right, but there's also the fact that sometimes it's not right, and then you have to say "so what?" And that's what King is saying here, there's a transcendent standard above the law. And you have to be careful because that can evolve into anarchy if you don't get the standard right.

All right, point 4. Where do these "laws and standards," and that's why I made a point about Exodus 18 coming before Exodus 19 and 20 and the giving of the Ten Commandments. Where do "laws and statutes" come from, so that is answered in point 4 here. And I think we have another slide, this is the code of Hammurapi here, by the way, this comes from J. Budziszewski who is a professor of political philosophy at the University of Texas; he's a Christian, I've admired this man, he is a rare example of a Christian faculty member of national reputation, who is able in his classroom to take students through classical and profound discussions, and stay employed. He wrote a book called What We can't Not Know. Here laws and statutes are resident deep within the human conscience, and I quoted out of this book. "However rude it may be these days to say so, there are some moral truths that we all readily know—truths which a normal human being is unable not to know." Look at that again, careful worded phrase. "...a normal human being is unable not to know. They are a universal possession, and emblem of a rational mind, an heirloom of the family of man. That doesn't mean that we know them with unfailing perfect clarity, or that we have reasoned out their remotest implications: we don't, and we haven't." So he's not arguing that this is an absolutely and perfectly clear indicator, but it does show, as Paul says in Romans 2 that we all have a conscience. There is, even in a murderer, a conscience. You want to see why? Because they'll reject the wrongs to them.

Point 5, There is a Jewish tradition that before the giving of the Law the human race had access to these commands. They are called in Jewish tradition the "Noahide Commandments" I refer to this as Noah's Bible, in other words, everybody got off the boat so everybody that off the boat that were the pioneers of the recolonization of the planet and the forerunners of every people group that exist on earth today, those people, those men and women had access to divine revelation, and we call that the Noahic Bible. Yeah, they only had a few chapters in it, but they still had access to revelation. Well, in Jewish tradition it's known as the Noahide commandments, and there are seven. And in Jewish tradition they believe that these seven commands are universal throughout people groups, originally:

One, there must be provision for the administration of justice, I say what that is, it's a memory of the fourth divine institution, which is civil authority. There must be no idolatry. There must be no blasphemy. There must be no sexual immorality. There must be no bloodshed. There must be no theft. And there must be no eating of flesh torn from living animals. Now if you look at the seventh commandment, and you look at the first commandment, it's quite clear where that's coming from. That looks very suspiciously like the Noahic Covenant in Genesis 9.

6. The basis for impartiality is the revelation in our conscience, in human society's recollection of the Noahic Covenant, and in the Bible. So point 6 we have listed three sources of the Law: (1) conscience, (2) human society's recollection of the Noahic Covenant, and (3) the Bible, where it has been... where people have had it exposed.

7. The counterfeit basis proposed by unbelievers are subjective opinion or positive legal regulation by whatever power rules. Notice the wording of the last one, "positive legal regulation by whatever power rules," positive law has a problem here because once you grant the axiom of positive law, then however that law comes into existence, whether it's a bureaucrat writing a regulation that penalizes people for violation of the regulation, in which case that's a non-elected official writing a regulation that's defining a right and wrong, or whether it's a Congress that never read the bill and passed it 10:00 a.m. in the morning, after parties last night, or something else happens, but that's the danger of positive law theory.

Okay, then in verse 17, finishing up, in verses 17 and 18 of the section, "You shall not show partiality ... the judgment is God's." Then it says, "The case that is too hard for you, bring it to me, and I will hear it." Now that is the appeal process, but notice, that appeal process is not the same as today's appeal process. In today's appeal process the judge and the defense attorney get together and they appeal the case. In this case that wasn't the case. In this case the judge was appealing the case because he couldn't make a decision, in which case that case went before Moses. Now why do you suppose Moses was the ultimate arbiter in courts? Because who did he talk to? God, because what does it say earlier in that verse? The judgment, the mishpat is Elohim's, the mishpat is God's. [18] "And I command you at that time all the things which you should do."

Okay, conclusions: First, Moses is motivating the 2nd generation to obtain the blessings of obedience by providing a basis for their faith. People are not going to be motivated if they don't have a basis for belief. That's one of the problems today in the Bible movement. We are not teaching in many churches the Bible in enough depth so that when students do in and they hear some professor or something that the campus sport is going after Christians, they're intimidated and they're faith gets shaken because it doesn't have a firm foundation. So what Moses is doing, he's giving them a basis for faith.

And point 2, Deuteronomy 1:9-18 add to the motivation by recalling that Israel has already massively grown in population that validates the Abrahamic Covenant, they have grown so much that they have to have delegated responsible leaders and deputy judges.

And finally, point 3, verses 9-18 bear testimony the only valid basis for social justice is revelation of God's character in conscience and humanity's collective memory of the Noahic Covenant, outside of the Bible.

Okay, let's close with a word of prayer.