

Clough Deuteronomy Session 39

Deuteronomy 17:2-7; Judges, Justice, Religion, Law & the State, and  
Capital Punishment

Fellowship Chapel; 7 December 10

Tonight I thought I would be through with chapter 17 and then when I got into the judges more deeply I realized that we had to stop and deal with some topics on the way. So we won't get through chapter 17, we will nest time. We dealt with Deuteronomy 16:18 through 17:1, appointing judges and offices "in your gates." The big idea to take away from this section of Scripture is that you're dealing with authority; authority of offices of a government. Judges, you're dealing with the king, you're going to deal with the Levites, we're going to deal with the prophets and so forth, and those men exercise authority but they exercise authority in an institution that came centuries after the family. So the family is the original source of learning authority, and the family is the basic social structure, and you have to keep that in mind. We said last time how education success is clearly a function of the family, and now we know homosexuality is largely a product with family environment. And so we talked about those things and we looked at how Moses has set up the government for when he's going to die.

So Moses, remember, after Deuteronomy, this is his farewell exhortation to the nation and he's going to leave the nation without himself. So therefore he has to create some sort of structure and it is largely local, and we want to notice several things about that. And if you'll turn, just momentarily to Ruth, I want to show you how local justice worked. We have a case here with Ruth 4, and this is a good example of, in practice, what did this look like when it says "appoint judges and officers in your gates." This was the local town, and the gate was the gate of the city but it was also the location of where people met, where the local government met.

You know the story of Ruth; here in Ruth 4, just a few verses, here's the example, like a snapshot of how the local gate worked. "Now Boaz went up to the gate and sat down there; and behold, the close relative of whom Boaz had spoken came by. So Boaz said, Come aside, friend, sit down here. So he came aside and sat down. [2] And he took ten men of the elders of the city, and said, Sit down here." So now it's like they have a town council meeting and it's because of the destiny of Ruth that's involved in this issue. It's a legal issue and you'll see it's handled locally, it's there in the local gate. [3] "Then he said to the close relative, Naomi, who has come back from the country of Moab, sold the piece of land which belonged to our brother Elimelech. [5] And I thought to inform you, saying, Buy it back in the presence of the inhabitants and the elders of my people. If you will redeem it, redeem it; but if you will not redeem it, then tell me, that I may know, for there is no one but you to redeem it, and I am next after you. And he said, I will redeem it." But then there's a legal issue because he thought he was going to redeem property, and he is, but now he's going to redeem a lady that goes with the property and this creates an issue.

[5] "Then Boaz said, On the day that you buy the field from the hand of Naomi, you must also buy it from Ruth, the Moabitess, the wife of the dead man, to perpetuate the name of the dead through his inheritance." Well

then, the relatives, wait a minute, let me rethink this one. [6] And the close relative said, I cannot redeem it for myself, lest I ruin my own inheritance. You redeem my right of redemption for yourself, for I cannot redeem it." And it goes on to describe the custom. So there's an example of what local justice and officials and elders did at the town level. And that introduces the first principle that we covered last time, principle #1, that true justice requires local and immediate accessibility or it doesn't function. It's got to be available, not three years and fifteen months later. And this is how they were able to do it, because they decentralized it.

And then remember, we went through the protections against perversion of justice. Principle #2 is personal influences and manipulation of judging officials must be opposed. The manipulation isn't the manipulation of the plaintiffs or the defendants, the manipulation has to do with the officials that are going to be doing the juridical processes. So that's why there's a protection built in there, why an admonition for protection, which gets us to Deuteronomy 16:20, and that emphasis in Deuteronomy where Moses, in the Hebrew it's very, very clear, and that's why I've put it out in your handout, translated it with the noun "righteousness" repeated. So if you were to hear it in a literal translation it would say: "Righteous, righteous you will follow." Now if somebody speaks that way you know by the way they repeated that noun and emphasized it, you knew exactly what the point was in that sentence. So it's just the way that Moses had of emphasizing righteousness.

So we come to the third principle, the foundation of justice is God's righteousness. That's the whole dilemma here. We're going to have to deal with capital punishment tonight because this is going to go on here in this section of Scripture, and people start vibrating about this, and we've got to back off and start in the right place. The point here is that God is a holy righteous God and He's immutable, and He isn't going to change. And that's the standard, and that standard is to be reflected in the judicial system. That's what government is all about. Remember, government didn't come by social contract, that's the theory you learn in social studies class, that's not biblical. In the Bible God is the One who ordained government. He thought the institution up before man did, and we'll see why and so forth tonight.

So, those are the protections that came in there. Then it says, later on, in Deuteronomy 16:20, it's the last part of verse 20, where he says, purpose clause, the last clause in verse 20, just before you get to verse 21, "that you may live and inherit the land which the LORD your God is giving you," and the point there is, throughout the whole law, and you'll see this, this is why I emphasize this verse, you'll see this kind of truth repeated and repeated and repeated and repeated. And the truth is that Israel will prosper IF she obeys God. Now this sounds kind of trite, religious and so on. But let's back off a minute here. Let's think politically and economically so we don't get religiously screwed up. What this does is set forth a view of history that economic and political cause/effect, as far as Israel goes, was related to their spiritual relationship to God. They could not attain economic prosperity, even though they would go through the motions of proper cultivation of the land, proper caring for their orchards, proper caring for their herds,

they would still not prosper if they were worshipping other gods. God would see to it they did not economically prosper.

Now what this does, it sets up a principle and this is the thing, I have a little box down there, The Law spelled out the designed and providentially-administered cause-effect of choice and consequences. If you were to summarize the whole Mosaic Law in a very concise fashion, it would be choice and consequences. God gives us freedom of choice but He doesn't give us freedom to dictate the consequences of our choices. And this is a key, key point. And you'll notice I use two words there, "The Law spelled out the designed and providentially-administered," because the cause-effect partly goes back to the nature of creation but then God is actively administrating history. So He "spelled out the designed and providentially-administered cause-effect of choice and consequence in Israel which led to a profound ethically-based view of history," an "ethically-based view of history."

Now grab hold of that idea and think about, a minute, from your education. Go back to your social studies classes, go back to your... if you've taken courses in business economics, or go back to history courses that you may have taken. In those courses what ideas did you pick up about what was being taught about how history works? I'm sure you probably read well, you know, Columbus comes to the Western Hemisphere because of economic issues in Spain and so forth and so on, an economic driver of history. Yeah, does economic drive history? Yes, to a degree, but the biblical view is that what overwhelms the economy, what overwhelms the political machinations that go on is whether or not this national entity of Israel was honoring Yahweh or not. That was the bottom line, and it was that idea that rippled out with the Diaspora, when the Jews were kicked out of the land, they went all over, Jewish businessman went all through the ancient world and this idea spread and it was picked up. But an idea, part of it, that I want to point out tonight is an economic benefit that we are the beneficiaries of.

And where you see on the handout, the next page, where I have "An impartial..." "An impartial, law-based legal system has a high predictability of consequences of specific choice which result in economic benefits." Now here's the reason, I got this out of... again, Gary North's detailed economic analysis of the Mosaic Law, and he is an economist, here's the cause/effect chain: First you have predictability, in other words, you have the idea, if you're a businessman you have a contract, you know that if someone steals from you the court is going to do this for you; you know the property laws, you know about the Sabbatical year, you know the six year limits on loans, you know the forty-nine year thing with the Jubilee, you've got a structure and what this does is, from predictability it lowers the cost of business. And the reason it lowers the cost of business is because it informs you about the future and one of the great costs of all business is the risk of predicting the future. Every business has to have a business plan and you've got to predict what the market is going to be doing next year, the year after and so forth or you can't run your business, you can't make decisions.

This is why everybody is financially constipated in the U.S. economy right now because the government has stepped in in such a rigorous fashion all over the place that businessmen can't make decisions, they don't know what the law is, there's no predictability, so there's going to be no job

creation until things calm down and men can figure out what is going to happen next year and the year after that and the year after that so I can put a business plan together; I'm not going to be hiring people. Why should I hire people when I don't know what the health insurance is going to be. So this is what happens; you introduce chaos and the economic costs rise. When you have an orderly thing like was intended by God, you reduce your costs.

Now when you reduce the costs you do something else economically. Now you don't have to be a jack of all trades, you have division of labor; you have somebody who can make a career of doing task A, you have someone else who can make a career of doing task B, and they know that there's going to be a market for their talent doing A, and a market for your talent doing B for a number of years, so you can spend time and what do you do? You lower the learning curve cost. So you have a division of labor; every time you have a division of labor you increase economic efficiency. This is why the family design with male and female, contrary to our homosexual lobby, the maleness and the femaleness isn't just physical, it's psychological. Men do different things with children than women do with children. You can't take a daddy and a daddy and raise children; you are depriving them of God's design. This talk about gay marriage, you can legislate all you want to but you're not changing the structure of male and female. Congress can't do that, and the result, of course, of doing this is you increase economic costs and you increase the damage to the family, again, because you're going against God's design. So these are some of the effects it has.

Now I want to show you some quotes, just to show you some of the economics that go in here. F. A. Hayek was an economic thinker, more of the libertarian brand, but here's what he said: "There is probably no single factor which has contributed more to the prosperity of the West than the relative certainty of the law which has prevailed here." If you don't believe that, look at societies that do not have stable legal structures and talk to someone that tries to run a business in those environments and compare the cost there with the cost of doing business in an orderly society.

Then Thomas Sowell, who's a great thinker; if you ever get books by Thomas Sowell, he's an Afro-American conservative political and economic writer, excellent. He is the man, by the way, that led to Clarence Thomas, who now is on our Supreme Court, from being a radical guy at Yale to a conservative judge, because as Clarence Thomas says in his biography, I read Thomas Sowell. Thomas Sowell is an important thinker; he's very elderly now but sometimes you'll see him interviewed and when you get a chance to listen to this man, listen to him; if you get a chance to read an article by Thomas Sowell you want to read it. He's well thought out and he's articulate. Here's what he says:

"Someone who is going to work for many years to have his own home wants some fairly rigid assurance that the house will in fact belong to him - that he cannot be dispossessed by someone who is physically stronger, better armed, or more ruthless, or who is deemed more 'worthy' by political authorities. Rigid assurances are needed that changing fashions, mores, and power relationships will not suddenly deprive him of his property, his children, or his life." That's just a fact of human

life. That is what is being involved here with this whole section on the judges, and that's why I'm taking time, slowly working thru this area because it is so critical that we understand this heart of the Mosaic Law.

Then, as we said last time, and I won't belabor the point but I'm going to add some points. Last time we said Moses, in verse 21, 22 and 17:1 has these three peculiar verses that do not seem to fit in the context. I mean, you read verse 18, 19 and 20, and then you're talking about appointing a judge. Well, that's great; but then all of a sudden you start reading verse 21, "You shall not plant for yourself any tree, as a wooden image.... [2] You will not set up a sacred pillar...." In 17:1, "You shall not sacrifice to the LORD your God a bull or a sheep," and then all of a sudden in verse 2 it goes back to the judge. Well, you've got to explain, what are those three verses doing there, stuck in the midst of that narrative about the judge. And we said that's because in the ancient world the courts would seek God's will through omens and through pagan religion. There's always a link between law and religion. Now we're not arguing for the destruction of separation of church and state here, but we're saying that philosophically there has to be a connection, because justice requires a transcendent standard. That's why connection #1, Law requires a transcendent standard above individual man or the "judgments" become merely the judges personal opinion. You've got to have a transcendent standard and we saw that last time with the Nuremburg issue.

Now the point behind the Bible is that, as Deuteronomy 1:17 says, all judgment is ultimately God's judgment, not man's, God's judgment. In the final chapter of history He's going to be judge, is He not? So all judgment, ultimately, is God's judgment. Now I give you three stages in history there where you can trace this. In Eden, Genesis 2:17; 3:9-19 you have the first demonstration, physically and historically of God judging. He warned the people, their choice, you eat and you're going to die. And then they ate and the consequence was that they died; choice and consequences. Why? Because God is God and He isn't going to change for us.

Then we have in the antediluvian civilization Jude 15 and Genesis 6:5-6, the whole civilization between Adam and Noah goes to pot, it almost becomes an anarchy and during that period of those centuries, between Adam and Noah, there was not state, there was no government. There were leaders, there were cities, there were what we would call social leaders, there was family structure, there was city structures apparently, but there wasn't authorization to take life so that you have a leader who had legitimate coercive powers. You had anarchists, you had thugs, you had criminals, you had murder, yes. But that wasn't legal taking away of life.

Then get to the postdiluvian civilization in Genesis 9:5-6 and it's a historically important moment because at this point God delegates some judgment to man, and later we'll deal with that. So the point is, when such a standard is denied it encounters reality like the Nuremburg trials- what do you do with the Nazi lawyers who say you cannot convict my client of homicide because he was following our orders issued legally under our chain of command. No American judge can invent an American law to apply to a German soldier. So now what are you going to do. And I gave you the quote of one of the justices, Jackson, who was the chief prosecutor at

Nuremburg, he got in there and he said we need a law that is neither transient nor provincial, we can't judge otherwise.

So, the second connection, Law convicts conscience of sin and thus requires an effective source of forgiveness, now the forgiveness, I'm not arguing that the forgiveness has to come through the courts, I'm arguing that the forgiveness has to exist somewhere, and it used to be that chaplains played a very key role in the American judicial system; they prepared people to die, that was one of the roles of the chaplain in jails, and today we never think of something like this. But I gave a quote down there because I want to reference what happens when the gospel isn't available, and people face the hard things of the law, when the whole society faces the problem where, because we're all sinners we're going to violate the law; we're all going to violate some law.

So now what do we do about that, especially when you have a collapse of the moral order. What inevitably happens is that the laws are adjusted and lowered. And this was pointed out years ago by Senator Patrick Moynihan in the very famous article, An American Scholar, that was the scandal of many people. I mean, they jumped all over this Democrat senator, he was a brilliant man, a Roman Catholic from New York, and he wrote an article in An American Scholar and he used this term "Defining Deviancy Down." Now what his point was that where you have a collapsing society you define the expectations of good behavior downward and the reason you have to do that, you have to lower your moral and ethical expectations because it's impossible to fight city hall, I mean, the whole society is going down. So Moynihan points out the law will go down; your judiciary goes down, it can't sustain itself at any high level because the whole society is collapsing. And he called that "Defining Deviancy Down." It redefines what used to be defined as deviancy out of existence; he specifically mentioned alternative lifestyle. This is three or four decades ago, by the way, or two decades ago, the deliberate unreporting of violent crime, and shoving the mentally onto the streets. I mean, this was going on for the past twenty years in our society and it was because you can't cope with it so the way you cope with it is you get better statistics, and you get better statistics by just ignoring stuff that goes on. So that's what we mean.

When you can't cope with the conviction of sin that comes from a proper application of righteous standards you've got to do something. And that you do is what the Pharisees do in Jesus' day, you have a legalism but it's shallow. Remember what Jesus said about hate your brother, if you hate your brother you've committed murder. What was He doing? He was getting at the heart of the Law, but the Pharisees, because they didn't walk with the Lord, they didn't have that power to live the Christian life, what they did then, they said well, I'm not guilty of the seventh commandment unless I've actually murdered someone and been convicted of it. That wasn't the spirit of the Law, but they couldn't live by the spirit of the Law so they lowered deviancy, that is, the definition of murder, they lowered it to the point you don't even violate the seventh commandment unless you actually got hauled before a court and went through the process. That's what legalism is, legalism appears to be rigid but it actually is shallow. It's a trivialization of God's righteous standards, under the pressure of nonconformity.

Now I have a third quote and here's from our own Constitution. And I quote this, not because I'm demeaning the Constitution but I'm just saying this: we are not a theocracy, the United States is not a theocracy. A theocracy is where God enters into a covenant or a contract with a nation and only one nation has ever had that in history and that's Israel. But, in our nation the reason we believe in American exceptionalism, and you see that being discussed today, is because at the founding of our nation you had a lot of biblical ideas that slipped into the political picture. The idea, for example, we're not a democracy, we are a republic. There's a difference, and you know where that came out? It came out of the congregational church, it came out of the idea of the churches in the colony, they said what's our standard of reference in a church? Well, it's the Bible, so yeah, we have a pastor, the Catholics would have a priest but we have a pastor, we have deacons, but the pastor and the deacons aren't ultimately in authority, are they? It's the Bible, or our doctrinal creed that's the issue.

Well now you see the parallel with a republic? What did they do? When they wanted to have stability in our country they said wait a minute, we can't invest all the power in the President, or the Congress, or the courts, we need a standard so we're going to write the Constitution; the Constitution is almost parallel to the Bible in a congregational church, if you think about it. So these ideas permeate. However, when our nation was developed we didn't have pure Christianity, we had different sects of Christianity, we had skeptics, we had the Thomas Paine's, we had atheists, we had Jewish people, we had people all over. So they had to write the Constitution sort of accommodatingly, and in article VI that I quote, if you know the Constitution, Article VI is the section of the Constitution that deals with the ultimate authority of law, that's the one, by the way that says when Congress and the President approve a treaty the treaty becomes as equal to our nation as the Constitution; that's why it's very, very important when you hear about we're going to make a treaty because a treaty is at the same level as the Constitution, article VI.

Okay, article VI, Section 3 addresses the issue of the... much like Deuteronomy 16 here, it deals with the qualifications for public office. Now let's read it through. "The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states," so this applies both at the state and federal level, "shall be bound by oath or affirmation to support this Constitution." Okay, we'll stop right there for a moment. That's why, when we apply Romans 13 in the pulpit, Romans 13 cannot be interpreted as saying everything the Courts say is right because the issue here is what does the Constitution say. When you join the military you make a pledge to uphold, not the President, not Congress, not the Supreme Court but the Constitution. That's the point, and that's what's forgotten in all the debate. That's why the Constitution is coming up as a point of controversy. Okay. "...shall be bound by oath or affirmation, to support this Constitution, but," and here's the compromise that was written into article VI, "no religious test shall ever be required as a qualification to any office or public trust in the United States." Now at the time that seemed like, you know, a great thing because you had different call and you had experience in 16th centuries and Europe of so-called Christians killing other Christians from different denominations, it was a mess. And

so that seemed to be a very wise thing. The problem is that clause, "no religious test shall ever" apply has become the open door for anything goes. So this is a dilemma we all face.

So there are only three ways to solve the problem. Again, I'm doing all this because this is the religious legal connection that verse 21, 22 and 17:1, why that is there, because God says there is a connection and you have to have an orthodoxy to support the righteousness that makes the judge function. There are only three ways to solve the problem: you can agree nationally to submit to the Mosaic Law but there's no contractual relationship with God, so we can't voluntarily enter into a theocracy because we don't have any word from God, from his side of the face, so that's out. We can agree nationally to submit to some admixture of biblical and pagan wisdom principles, which is political polytheism, essentially, and that's basically what we do, it's heterogeneous righteous standards, but we're picking up standards that would not necessarily be biblical. But we don't live in the Kingdom, that's the problem, so we wind up doing something like point 2 or if we don't do that then we have anarchy. So there are not too many choices here.

Now having said that I want to raise another point that gets involved with this, because twice this year I've been at two different churches where I've addressed the issue of the government structure and the Bible, and in both places I've been accused of politicizing the pulpit. And my point there is I'm not politicizing the pulpit, I'm simply teaching what the Bible has to say about political structures, and if you don't like it, then how about politics getting out of the religious area and stop dictating to families what they should and shouldn't do, and stop telling me how I'm supposed to raise my kids, that's a religious issue and the state is interfering with it. So it's a two-edged sword, it cuts both ways.

So let's look at this issue, and I'm giving you an example; this came from OSS. Now if you know American history, OSS is the Office of Strategic Services. They are the forerunner of the CIA. That's the name of the CIA back in World War II days. In 1945 OSS published a report called The Nazi Master Plan: The Persecution of the Christian Churches. 1945, look at the date, they had investigated the previous decade; by 1945 and the defeat of Germany it was clear what Hitler had done and the government wanted to know how it was that Nazism as able to take over the best educated country in the world. Germany had the best educational system. And so people are saying man, how the heck did this madman take over Germany? So that's the background for this report, what did they do? Early on, when they started doing their investigation they realized the church had collapsed in Nazi Germany, so they said wait a minute, where was the church's voice when this anti-Semitism started to rise, what was going on? And they found out that the Nazis had a plan to neutralize Christians. And here are the steps:

The first one is, that by the way, is what they did in a large auditorium that was formerly a church, put the great eagle in front with a swastika, and that was after they took over the pulpit. Curtailment of religious instruction in the primary and secondary schools, that was their first move. The second one: Nazi pressure on teachers to refuse the teaching of religion in the classroom. Third, political veto of religious textbooks



for the school system. Four, replacement of traditional Christian religious instruction with the Nazi instruction, when they recalled Christian "German faith." And finally, they arrested pastors who attempted to teach the political implications of the Christian faith, and how they did this, they had Gestapo agents that attended all church services and stenographically, they didn't have DVR's, they didn't have recorders, but they had stenographers that recorded the sermons to gain evidence that could be used against the pastors.

Now let me give you an example, one of them, Martin Niemoeller: June 27, 1937 Martin Niemoeller preaches that believers had a sacred duty to speak out on the evils of the Nazi regime, and here's what he said: We have no more thought of using our own powers to escape the arm of the authorities than had the Apostles of old. No more are we ready to keep silent at man's behest when God commands us to speak. For it is, and must remain, the case that we must obey God rather than man." A few days later he was arrested for "abuse of the pulpit."

In 1937, 807 pastors and leading... note the dates now, 1937 is two years before the war broke out, the war broke out in 1939. In 1937, 807 pastors and leading laymen of the 'Confessional Church' were arrested because they had read this proclamation: "The church has by order of its Master to see to it that in our people Christ is given the honor that is proper to the Judge of the world.... The First Commandment says, 'Thou shalt have no other gods before Me.' The new religion is a rejection of the First Commandment." And the Sunday after that 500 pastors were put in jail. Now how did they know which pastors read it? Because every congregation had been infiltrated and was being watched, it's very easy. Now think of the dates now, this is OSS that's gone back, interviewed these people and what on earth allowed Hitler... I mean, he wasn't an educated man, you had brilliant people in Germany but these people weren't your top... I mean, these guys weren't up at the top here but they were able to take over because of this strategy that they had of basically neutralizing the church.

That's the background now, when we come to Deuteronomy 17:2. You see, all I'm saying is that there's wisdom packed into this Deuteronomic text and it's a structure that continues throughout history. And there's a reason why, when God sets up His Kingdom He pays so much attention. Now this section here, verses 2-7 is all we're going to get through tonight because we have some nasty stuff in here; this is hard stuff. If you would all, as you read, imagine yourself living then, and imagine yourself as a citizen of Israel, faced with these instructions. What would you do, how would you feel.

Deuteronomy 17:2, "If there is found among you, within any of your gates which the LORD your God gives you, a man or a woman who has been wicked in the sight of the LORD your God, in transgressing His covenant, [3] who has gone and served other gods and worshiped them, either the sun or the moon or any of the host of heaven, which I have not commanded, [4] and it is told you, and you hear of it, then you will inquire diligently. And if it is indeed true and certain that such an abomination has been committed in Israel, [5] then you shall bring out to your gates that man or woman who has committed that wicked thing, and shall stone to death that man or woman with stones. [6] Whoever is deserving of death shall be put to

death on the testimony of two or three witnesses; he shall not be put to death on the testimony of one witness. [7] The hands of the witnesses shall be the first against him to put him to death, and afterward the hands of all the people. So you shall put away the evil from among you."

Now it's passages like this that you as a Christian and I as a Christian, we have to be prepared because some unbeliever will pick this up and put it in your face, so you have to think through what kind of answers you're going to give. Now earlier we dealt with genocide and the holy war issue. Remember what we said? You don't justify holy war on the basis of common grace; you justify the holy war as a bounded segment of history in time and space where God revealed what the Second Advent is going to look like. It is His judgment, the final end of grace that is behind that holy war. Grace doesn't go on forever; grace started after the fall and grace ends... grace ENDS and then there's judgment. If grace didn't end you could never get rid of evil. So grace has to end, and the genocidal issue there was grace ended for those people. They had four hundred years to repent and God, apparently, allowed them as a society to harden their hearts, just like He allowed Pharaoh to harden his heart, and He said I want them removed, I want them out of here. This is your land, they've had their choice, boom.

Now we come to the capital punishment issue. So verses 2 and 3 define the crime. Here's case law, see, here's what we mean... remember, it was exhortation before, now you're seeing case law, IF such and such happens then this is what you do; these are instructions to the judges. Now obviously it's dealing with procedures in the court, rules of evidence, but it's also taking the worst crime. So what Moses is doing here, he's picking out what, in their view, would be the highest act of treason. The highest act of treason isn't murdering someone; the highest act of treason is turning against Yahweh, who was the King of Israel. That is treason. And so to align one's self with another God, of course it means your standards and it affects the judicial system, but it is the most serious crime.

Notice in verse 4, we get the fourth principle of justice, is you will "inquire diligently," and the fourth principle of justice requires truth and not false accusation, so there are guards and protections in the protocols here; capital punishment wasn't casually administered, there had to be an investigation. And then there's another point, in verse 5, which I thought very interesting and has bearing on the New Testament, and that is it will happen at your gates. The execution is done outside the gate, not inside the gate. And there's apparently a reason for this, is that it is a physical picture of getting rid of evil out of the city. Now in the New Testament this happens twice. Where is Stephen executed, in Acts? Outside the gate. They are administering this process. And then, if you'll turn to Hebrews 13 there's something said about our Lord to the Jewish believers, the Jewish readers of this epistle, and the epistle was not written to unbelievers, the epistle is written to believers. And in verse 11 what they're fighting with is the temptation as Jewish believers to just chicken out, really, socially chicken out and go back to Judaism because they're getting a lot of flack from their fellow Jews. So here in chapter 13 the author of Hebrews is exhorting them to hang in there.

Hebrews 13:10, "We have an altar from which those who serve the tab have no right to eat," in other words, we've got a new protocol, we don't go to the temple; in Jesus we have a new tabernacle. [11] For the bodies of those animals, whose blood is brought into the sanctuary by the high priest for sin, are burned outside the camp." See, there again, "outside the camp." [12] "Therefore Jesus also, that He might sanctify the people with His own blood, suffered outside the gate." And then, [13] "Therefore, let us go forth to Him, outside the camp, bearing His reproach." Now what that author of Hebrews is point out, he says we are excommunicated from the whole community, we're considered evil by the Jewish community and it's approach, and you guys better suck it up and endure this; this is as a Christian believing Jewish person prior to AD 70, you're under persecution, you've been kicked out of the whole Jewish community, which was a big deal for a Jewish family, and so they didn't like this. Nobody likes to be excluded from your social circles, or your economic circles, your business circles, you don't want to be a leper, you don't want to be treated that way, but they were being treated that way. And so he says look, I know that you're being rejected by the Jewish community, it's like you're a criminal that's outside the camp, and this is going back to this Deuteronomy picture "outside the camp." So back in Deuteronomy 17, the other thing that is true here, notice "two witnesses." And this appears to be a modus operandi of God down through history. How many dreams did the Pharaoh have that he asked Joseph to interpret? Two. How many dreams did Nebuchadnezzar have with Daniel? Two. And you'll see that again and again in Scripture, when God... and then Jesus, when you look at the Gospel of John, when He gets into witnessing He says don't you know that I have a witness of Moses and I have a witness of My works-two. So again and again in Scripture you have to have coherence in the testimony and if you don't it's invalid.

And that's why in the notes I have Mark 14:56 that deals with Jesus' trial, where it says all the witnesses agreed at least on one thing, Jesus blasphemed. Now the reason why that's good to know is that that refutes the liberals. How many times have you heard Jehovah's Witnesses, the Mormons or somebody like that, come up to you and tell you that Jesus never claimed to be God. Well, if He never claimed to be God what was the trial all about? That was exactly the point, He was blaspheming, that's why He was in the trial. So obviously whether we think He made the claim or not, the Jews sure did, they were ready to pick up rocks and take care of the problem right there. But what they couldn't agree on are the specifics that were needed to bring charges against Jesus. And that's why Mark 14:56 makes the point that they did not have two witnesses, they couldn't get two, dozens of people came up, they couldn't find two with the same story. So Jesus' trial violated the whole protocol here in Deuteronomy 17.

Now there's another little point here, that we want to look at and that is, hold the place and turn to Leviticus 5; this also has something to do with our society. This is the way, back in those days, God expected people to act. In Leviticus 5:1, "If a person sins in hearing the utterance of an oath, and is a witness, whether he has seen or known of the matter-if he does not tell it, he bears guilt." Now that's a specific of a more general principle. They expected, they didn't have a police force to go around investigating, the average citizen was supposed to report crime. This is why... you have neighborhood watches, that was what

Leviticus 5:1 is all about, a neighborhood watch. And we have a spectacle here in Baltimore City where crime goes, the police comes into the street to find out what happened and nobody tells him. Well, how are they supposed to prosecute, then. And then the people sit there and whine about all the crime going on in the street. Well, you can't have it both ways; if you want to get rid of the crime you've got to report the crime, you've got to witness to the crime, you've got to come into court and testify to the crime. Otherwise then don't have the trial and let the crime go on. See, you can't have both. So Leviticus 5:1, again it's one of those little points of the responsibility of the citizens.

Now we come to Deuteronomy 17:7 and this is where we get into the capital punishment issue. In verse 7 it says, "the hands of the witnesses shall be the first against him to put him to death; and afterward the hands of all the people." This justice required capital punishment. Why do you suppose God asked the witnesses to be involved in the execution of the crime? I mean, think about... what does this do in the protocol of what's going on here? If you witness a crime, and it really happened, and this person is going to get capital punishment and God calls you... and we're not talking about picking up bricks here, we're talking about big stones, and you're going to be picking up the first stone. This is, by the way, the background for that woman caught in adultery, remember, what did Jesus say? He was saying hey, you guys, you're talking protocol, all right, what does the Law say. See, Jesus went back to the Law again and again and again, but these guys were phonies. So here we have the fact that by having the witnesses involved in the actual execution, it acts as sort of a constraint, I would think, that you couldn't in good conscience bring a slimy accusation against somebody realizing you're going to be the one who has to kill them. I think it produces a soberness in the whole process. So let's look at some points about execution and capital punishment. This comes up all the time, and it's a current topic all the time in Maryland. You have to deal with the fall. So we look at the fall, the first thing we want to see is that: Present humanity, derived from Adam has undergone an irreversible judgment, it and natural environment. What I mean in point 1, said another way is, and this is the ironic thing that people never think about, we're all under capital punishment... don't we all die? Why do we all die? That's not natural, is it? Was death there when God created? No, death is something... what is death, it's a sentence of God. So we're all under capital punishment, it's just a case whether we're going to die earlier or later but we all are under capital punishment. We ought to be asking the question why? Because we're all part of a sinful rejected human race, that's why. Death is not normal. And the judgment of physical death, in the sense of capital punishment, is a premature execution. It's a premature execution. The judgment of physical death includes premature execution by angelic agencies, in the case of Genesis 3 God had angelic guards with lethal weaponry guarding the garden of Eden. If Adam and Eve would have tried to transgress that they would have been chopped up. So the first execution powers were not given to man but they were given to angelic forces. That's the first coercive judicial enforcement of a negative imperative in history, is the security guard around Eden.

The third thing that we have to note is that when this happened, when the fall happened we, corporately, the human race, lost our official dominion lordship over nature. Satan became the god of this world at that point.

Now we've got a bigger mess; now it's not just the garden of Eden issue, now it's not just a criminal issue with other human beings, now we've got the unseen powers and the principalities and the powers in the invisible realm and we can't even see them, and they're the ones that encourage criminal behavior, they're the ones that can sow deceitful lies in our minds at any point, none of us are exempt, Peter, you know, minutes after he confessed that Jesus was the Messiah turns around and trying to deny Jesus going to the cross, and what does Jesus say to Peter, Peter is a believer, "Get behind Me, Satan." What is he saying? Peter had been a radio receiver that got a message and he was indiscriminate in how he handled the message, but the thought just popped into his mind. Well, who sent it into his mind? The invisible powers. So now we're surrounded, we've got a bigger issue. That's why this whole issue of social justice and everything else is a multifaceted thing here, and that's why it behooves us to listen to the Word of God. We don't, as people, have the tools to cope with this. We have to go back to the Word of God and trust Him to work through this. Evil is too powerful for us in our human weakness. We will be overwhelmed with the power of evil, starting with the fall.

Now, we have the Noahic Covenant coming forward in history. At the end of that civilization, when there was no coercive judicial enforcement of law by human authority, it ended in anarchy. Family government failed; social urban society failed. Therefore, there were three alternatives. God had three alternatives, if you can think of another one let me know, but I've thought of three. At this point in history He could have set the Noahic civilization on the same course as the antediluvian civilization and had anarchy all over again, so basically don't change things, just create a second civilization doing the same thing the first civilization did, but that would be anarchy. A second thing is stop history and get the final judgment over with now. That's a second option God has. But God is not willing that any person perish and He wants the day of grace to continue.

So now there's a third option; there's anarchy, there's end it now, or continue history with some sort of partial restraint on evil. And that's what He chose, and that's the origin of civil government. So now we have inauguration of authorized execution of murderers because that's the ultimate power of government, is the basis of civil authority. Capital punishment is God's judgment upon someone and this is important, on someone who assaulted a creature made in His image. See, opponents of capital punishment oftentimes are right in the sense that it's sloppily applied and they can nitpick the procedures and they are pretty stupid. Most, by the way, most capital punishment would probably not have occurred in the Bible because you need two witnesses, so capital punishment wasn't that frequent. It was just that when it was applied it was a big community thing. And the body, by the way, was left on the road until sunset. And that is used by Paul in the epistle to the Galatians, because he quotes the criminal law which we'll get into later, in another part of Deuteronomy where they hang the body as a billboard, and that's Jesus on the cross. So this whole pattern sets you up for the New Testament.

So let me look at this next slide that looks at civil government. There's the quote. When you think civil government, biblically thinking, and this is why it is so important to think through about getting the government involved in every area of our lives; the government ultimately is coercive

and you don't want to spread the coercive power of government everywhere all over the place unless you're very, very serious you really mean business, and this is the way we want to do it.

So we have five observations on the history of capital punishment: #1, God authorized it, interestingly, knowing His own Son would be a victim of its misapplication. That's an interesting point of history. Why did God allow capital punishment when His own Son would be the victim of a sloppy application of the principle... but He did. It must mean, to me, that God thought seriously that this is the only choice I've got, I either end history, we're going to have anarchy or we've got to do it this way. There's no fourth option here.

2. Under the Mosaic Law it probably was rarely practiced... rarely practiced because of the high level of the rules of evidence.

3. The witnesses had to belong to the executing group and a witness could be executed himself if he lied. Let's turn to Deuteronomy 19, this is another one that would reduce the case load in a lot of cases. In Deuteronomy 19:18, "And the judges shall make careful inquiry, and indeed, if the witness is a false witness, who has testified falsely against his brother, [19] then you will do to him as he thought to have done to his brother," do you think that might reduce the caseloads a little bit? Yeah. See, there's a lot of wisdom principles here and people who make fun of the Bible haven't read it very carefully.

4. Stoning was used. Why was stoning used? Now we can only speculate on why, they had other ways of killing people, the angelic security force around Eden had swords and they had swords in this day, so why didn't they use the sword and chop somebody's head off, like the French did with the guillotine, a lot more, you'd think, merciful. At least two reasons have been suggested. One is that it answers the curse on Satan in the Garden; remember the prophecy, "You will crush his head," and most likely what killed the people who were being stoned were head injuries, that would be the quickest thing, smashing the head would render a person unconscious. So it would be an example of crushing, just as you crush a serpent you'd crush this person because he, in effect, by doing whatever the evil was here, has incorporated within himself the serpent, and therefore he's treated like the serpent.

Second, it distributed the immediate cause of death among more than one person, this is why you have a firing squad, so that each shooter can't be sure it was his bullet that killed the person. So it distributes the death point. Can you see now why the Bible, when it talks about this, there are other phrases, in Deuteronomy, pity not. I'm sure you pity, I mean, I would, you would, if you were called to do this at the city; it might happen once or twice a year because other crimes would not be solved this way and wouldn't meet the strict rules of evidence, but once in a while it would be, and all of a sudden, here you're at the gate baby, and they say you get over there and you get the rocks. Now how would you feel picking up a rock and there's a human being there. I don't think that would be very easy, frankly. And I think you'd have to think through why you're doing it and it would force me, at least, to think the reason I have to do this is because this person has destroyed something precious to God and God asked me to do this, not because I hate the person, I mean,

some people might do it out of vengeance, but I don't think the average person could do this out of vengeance. I think it would be a real stress to be part of an execution like this and it would seem to pierce to our heart how serious God is about evil. You know, man, but by the grace of God there I am.

Finally, 5, Jesus will continue capital punishment in the Millennial Kingdom, that's why He rules with a rod of iron.

Finally, conclusion, the big picture: judges are to apply God's just restraint upon evil between the flood and the return of Jesus Christ so their duties are divinely authorized. It is within the capability of every born again citizen to know both God's law and apply it. We ought to be on the juries, Christians ought... oh, I don't want jury duty... no, it's good training. If you read 1 Corinthians 6:3 as believers we are going to... and I don't know how to explain this but in 1 Corinthians 6:3 somehow we believers are going to be involved in evaluating and judging angels. Now put that one under your bonnet, figure out what that one's all about. How the heck are we going to judge angels. But somehow, as believers in Jesus Christ, that's a future point in our life. And that's why Paul is saying in 1 Corinthians 15 what are you guys running to a lawyer to, for heaven's sake, I mean, you can't judge mundane things in your local assembly? What are you going to do when you have to go judge angels? But that's one of the things. And finally, Revelation 5, it talks about the same kind of thing, make us kings and priests.

Finally, the church is the body of Christ and we're involved in this stress that is involved as {?} in Germany, because we're believers in our Lord and because He is who He is, and because society is fallen, we will always be in tension. And the Church, that's our destiny until Christ returns we are going to be in tension and it will vary from country to country, circumstance to circumstance.