

**SESSION #39 (7 December 2010); Deut 17:2-7; Judges, Religion, Law & the State, and Capital Punishment**

**I. INTRODUCTION & REVIEW**

1:1-5	Introduction to God's spokesman, the 1 <sup>st</sup> Prophet Moses
1:6 - 4:40	1 <sup>st</sup> Exposition of the Torah = <u>motivation</u> to obey from (1) <u>past gracious actions</u> of Yahweh and (2) <u>sovereign destiny</u> of the nation ( <u>future gracious actions</u> of Yahweh)
4:41-49	Editorial comment on context of 2 <sup>nd</sup> Exposition of the Torah
5:1 - 26:19	2 <sup>nd</sup> Exposition of the Torah = proper response to Yahweh in heart and soul
5:1 - 11:32	Loving Yahweh with <u>all the heart</u>
12:1 - 26:19	Loving Yahweh with <u>all the soul</u> ( <i>nephesh</i> =life)
12:1 - 13:18	Theological unity of Israel's tribes and its Enforcement (esp 1 <sup>st</sup> , 2 <sup>nd</sup> , and by implication the corresponding 9 <sup>th</sup> , 10 <sup>th</sup> commandments)
14:1-21	Enforcement of Distinct Cultural Sustenance from Life to Death (a witness consistent with Yahweh's name, see 3rd commandment)
14:22 - 16:17	A Distinct Culture of Theocentric Faith in God's Economic Order (with emphasis upon the 4 <sup>th</sup> and by implication the corresponding 8 <sup>th</sup> commandment)
<b>16:18 - 18:22 A Distinct Culture of Human Authority Under God's Justice (emphasis upon human authority starting in the home—the 5<sup>th</sup> commandment and by implication the 7<sup>th</sup> commandment)</b>	
<b>16:18 - 17:13 Authority &amp; Function of the Judges</b>	

A. Overview of this section:

The 5<sup>th</sup> commandment of honoring parents = origin of humility and proper relationship to authority → Israel's officials

Modern evidence:

- Educational success clearly a function of the family.
- Lesbianism now linked to weak or absent father in the family.

B. Protecting Justice from Perversion (16:18-17:1)

**16:18 gates which Yahweh your God is giving you. . .**

Principle #1 *True justice requires [local, immediate accessibility].*

**Ruth 4:1-12** example. . . citizens were informed of the law the entire Law was read to every citizen—**31:10-13**).

**16:19 pervert justice. . .**

Principle #2 *Personal influences and manipulation [of judging officials] must be opposed.*

**16:20**

**righteousness—righteousness you will follow**

Principle #3 *The foundation of justice is [God's righteousness], the revelation of which the family imbues the next generation with both by words and deeds.*

**that you may live and inherit the land**

NOTE: The Law spelled out the designed and providentially-administered <u>cause-effect of choice &amp; consequence</u> in Israel which led to a profound <u>[ethically-based] view of history</u> in contrast to pagan concepts of meaningless and manipulation.
--

An impartial, law-based legal system has high predictability of consequences of specific choices which results in economic advantages.

---

F. A. Hayek: “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.”

Thomas Sowell: “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.”

Moses points to two connections between religion and law.

Connection #1 Law requires [a transcendent standard] above individual man or “judgments” become merely the judge’s personal opinion.

**Deut 1:17** all judgment is God’s

- Eden: **Gen. 2:17; 3:9-19**
- Antediluvian civilization: **Jude 14; Gen 6:5-6**
- Post-diluvian civilization: **Gen 9:5-6**

Connection #2 Law convicts conscience of sin and thus requires [an effective source for forgiveness], not mere gimmicks or else the exercise of law weakens to relieve the constant guilt (**Gal 3:24**).

Problem: Outside of theocratic Israel there is no nation willing to submit to God’s rule as a nation (only individual believers).

Note US Constitution Article VI, section 3: see slide

Only 3 ways to solve this problem:

- Agree nationally to submit to the Mosaic Law without a contractual relationship with God
- Agree nationally to submit to some admixture of biblical and pagan wisdom principles which is political polytheism, i.e., heterogeneous “righteous standards” as prohibited in **16:21-22**.
- Anarchy

Historically, there’s always been an uneasy tension between the Church and tyrants.

In 1945 the Office of Strategic Services published a report The Nazi Master Plan: The Persecution of the Christian Churches.

Strategy:

- Curtailment of religious instruction in the primary and secondary schools
- Nazi pressure on teachers to refuse the teaching of religion in the classroom
- Political veto of religious textbooks for the school system
- Replacement of traditional Christian religious instruction with the Nazi worldview called the “German faith”
- Finally, arresting pastors who attempted to teach the political implications of the Christian faith (Gestapo agents attended services and stenographically recorded the sermons to gather evidence that could be used against the pastors).

Examples:

June 27, 1937 Martin Niemoeller preaches that believers had a sacred duty to speak out on the evils of the Nazi regime: “*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 laymen of the ‘Confessional Church’ were arrested because of their 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.”*

500 pastors who read this proclamation from their pulpits were arrested.

## **II JUDICIAL PROCEDURES ILLUSTRATED FOR THE MOST SERIOUS CRIME OF TREASON AGAINST KING YAHWEH (Deut 17:2-7)**

### **17:2-3 if. . .other gods**

Here is a “judgment”—guidance to the judges on how to handle [the most flagrant crime]\_: treason against Yahweh

### **17:4 inquire diligently. . .in Israel**

Careful investigation centering on the facts of the case.

Principle #4: *Justice requires truth, not false accusation (9<sup>th</sup> commandment).*

Locally limited to the boundaries of the Promised Land

### **17:5 bring to your gates**

Executions done outside the gate—literally getting rid of evil location-wise: example of Stephen in **Acts 7:58**.

Jesus in **Heb 13:11-13** applied to Jewish believers prior to AD 70

### **17:6 two witnesses not one**

Basic modus operandi of God .

Examples:

At Jesus’ trial the witnesses couldn’t agree (**Mark 14:56**) though they did agree that Jesus had blasphemed by his claim to deity—contrary to academia liberals in university religious studies departments.

Every citizen was under obligation to be an informant of criminal acts (there was no police force) (**Lev. 5:1**).

### **17:7 hands of the witnesses first against him**

Principle #5: *Justice can require capital punishment.*

### III. EXECUTION & CAPITAL PUNISHMENT DEBATE

A. Fall. Important event to understand civil government's origin and function in human history.

1. Present humanity derived from Adam has undergone an irreversible judgment along with the natural environment.

2. Judgment of physical death includes [pre-mature execution] by angelic agency (**Gen. 3:24**); this is the 1<sup>st</sup> *coercive, judicial enforcement of a negative imperative*.

3. Human visible terrestrial rule replaced by Satanic terrestrial rule from an invisible spiritual realm (cosmic-wide war larger than just the human race)

#### B. Noahic Covenant

End of a civilization that relied upon angelic agencies, additional cursing by God, and human conscience for social order.

1. Self-government and family government failed (keep these other “governments” in mind)

Divine alternatives: anarchy, final judgment, or civil gov't during the time of grace

2. Inauguration of authorized execution of murderers is the basis of civil authority  
Capital punishment is [God's judgment] upon someone who has assaulted a creature made in His image.

#### C. Subsequent History of Capital Punishment

1. God authorized it knowing that His only begotten Son would be a victim of its misapplication.

2. Under Mosaic Law it probably [was rarely] practiced because of the high level of rules of evidence, viz., that two witnesses had to exist, testify, and participate in the execution.

3. The witnesses had to belong to the executing group and could be executed himself if he lied which reduced the “case load” (**Deut 19:18-19**).

4. Stoning was used primarily, apparently because:

- It answered to the curse on Satan in the Garden—crush his head—so it brought to mind how people killed snakes.

- It distributed the immediate cause of death among more than one person so it became a community event rather than the result of a lone executioner.

5. Jesus shall continue capital punishment in the Millennial Kingdom

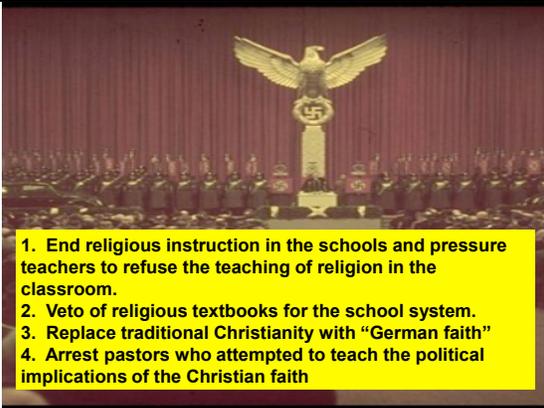
### IV. CONCLUSION

- 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 both know God's law and apply it to every situation in this life and in [the future Kingdom] Kingdom (**Luke 22:30; 1 Cor. 6:3; Rev. 5:10**).
- Church is the Body of Christ and locale of Presence of God (IF we are abiding) in the midst of Satan's world → “conflict” between His +R (including the behavioral norms here outlined) and the energizing power of demonic control through man's flesh (**Eph 2**).

E. A. Hayek: "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."

Thomas Sowell: "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."

"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, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust in the United States." US Constitution, Article VI, Section 3



1. End religious instruction in the schools and pressure teachers to refuse the teaching of religion in the classroom.
2. Veto of religious textbooks for the school system.
3. Replace traditional Christianity with "German faith"
4. Arrest pastors who attempted to teach the political implications of the Christian faith



"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."  
Proclamation of the C. C.