

SESSION #43 (25 January 2011); Deut 19:1-21; Protocols for Judicial Proceedings

I. INTRODUCTION & REVIEW

1:1-5	Introduction to God’s spokesman, the 1 st Prophet Moses
1:6 - 4:40	1 st 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 nd Exposition of the Torah
5:1 - 26:19	2 nd 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 st , 2 nd , and by implication the corresponding 9 th , 10 th 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 th and by implication the corresponding 8 th commandment)
16:18 - 18:22	A Distinct Culture of Human Authority Under God’s Justice (emphasis upon human authority starting in the home—the 5 th commandment and by implication the 7 th commandment)
16:18-17:13	Authority & Function of Israel’s Judges
17:14-20	Authority & Nature of Israel’s King
18:1-8	Authority & Nature of Israel’s Priests
18:9-22	Authority & Nature of Israel’s Prophets
19:1-21:23 Protocols for Implementing True “Social Justice”	
19:1-21 Protocols for Judicial Proceedings	

Review:

Lessons 38-39 covered the office of “judge” and presented the basis of civil government and its connection with capital punishment.

Deut 16:18 - 17:13

16:18-20 righteousness. . .righteousness you will follow. . . . that you may live . . .

“You will not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid of any man’s presence, for the judgment [mishpat] is God’s.” Deut 1:17

“Social justice” isn’t equality of economic outcome; it is impartiality before the law.

Ethics review:

Man constantly seeks an [autonomous] answer to the ethical question “what is your moral authority?”. . . .so-called “natural rights” (pre-Darwinian when there was thought by unbelievers that a moral order existed in nature), “moral experts,” etc., --all ultimately [subjective] coming out of finite minds that by definition can’t discern ultimate consequences and which have arisen by a random, meaningless process.

Attempted Answer #1: Subjectivism

- Only reveals one's attitude toward an action or event—nothing about the [event itself]
- Can't be consistently used in real life because one inevitably makes [objective moral judgments]—showing that they really do know after all that objective ethical standards exist.

Attempted Answer #2: Natural Right

- Still faces the subjective problem because it is a subjective judgment about what [ought to be] when all nature can tell us is that it is. Can't derive "ought" from "is" unless "is" includes the self-revealing Creator.
- If neo-Darwinianism is adopted, it becomes impossible to attribute meaningful ethical principles to [mindless] nature.

16:21-17:1 guarding against pagan magical practices to ascertain guilt

17:2-7 procedures illustrated using the most serious case of capital crime

Capital Punishment Debate:

- CP is the defining feature of the divine institution of civil government (Gen. 9); community leadership existed before lethal force was authorized by God for man.
- CP is God's requirement; it isn't intended to be a form of social vengeance.
- It's rationale is exactly opposite to what the anti-CP folks argue: it so heightens the value of life taken in murder that the murdered must be put before God to answer for attacking one [made in God's image] (change in venue!).

17:8-13 supreme court had priests sitting in the court along with judges

In theocratic Israel the two domains—ecclesiastical and civil—were equal in authority but distinguished in function.

In modern secular states the civil domain usurps all authority, including the ecclesiastical (i.e. it determines right and wrong as well as executes judgment); it is an "anthrocracy" → biblical Christianity becomes an intellectual and ethical insurgency, a stubborn resistance movement anchored to God above all state authority.

Those lessons dealt with the judge's personal character, qualifications, and actions in the court; now we deal with the "operating doctrine" of the judicial system as to the actions of the others besides the judge.

II. RESTRAINING UNAUTHORIZED JUDGMENT (EMOTIONS) (Deut 19:1-13)

19:1-3 three cities

See **Num 35:9-14** which makes it clear that these cities were temporary "holding places" until a proper trial occurred—self-imposed detention.

Reason: "the redeemer of blood" was a relative of the victim who was to execute the murderer (**Num 35:19,22-28**), unlike capital punishment in other kinds of cases such as apostasy.

19:4-7 kills unintentionally

“Redeemer of blood” could himself become guilty of murder if he kills in violation of these protocols (cf **Num 35:27**).

19:8-10 enlarges. . .lest innocent blood be shed

Potential expansion out to the distant boundaries if the nation obeyed Yahweh.

19:11-13 if anyone hates. . .deliver him over to the redeemer of blood. . .put away innocent blood from Israel

God holds the entire community guilty for murder! Why? The community is responsible for its culture—the product of many individuals living together.

“Life” is the center of society so that it must be protected = must be sanctions against its destruction (6th commandment)

III. PROTECTING EVIDENCE OF CORPORATE LIFE (Deut 19:14)

Moving boundary markers was a common crime in the ancient world (Hittites and other law codes mention it as well as **Job 24:2**).

- Land in Israel was *divinely entitled* to specific tribes for an inheritance
→ removing the boundary markers jeopardized generations in the future. It apparently was a cruel crime committed against the unwary and invited God’s wrath (**Hos. 5:10**).
- Gentile nations have no “private property” in the sense of the Israelite theocracy in that Gentile rulers can seize any land they wish, USA included, showing again that *the State in paganism is the virtual god of the people*.

It is a crime that violates the 9th commandment so vital to adjudication, so here we have a *key example of “evidence tampering”* which undercuts the entire judicial process.

IV. SAFEGUARDING TESTIMONY (Deut 19:15-21)

Another feature that shows the outworking of the 9th commandment: safeguarding testimony.

19:15 one. . .two or three

Multiple witnesses were required to make false accusation more difficult. What happened when only one witness came forward? This could only happen with non-CP cases (cf **17:6**).

19:16-17 both stand before Yahweh

Appear at the “supreme court” (cf **17:8-13**).

19:18 careful inquiry

Sophisticated protocols

19:19 do to him as he thought to have done

This protocol would apply to a defense witness who would be accusing the accusers falsely so it applied to both sides in the controversy.

19:20 hear. . .fear. . .and not again. . . .

Controlled the quality and cost of social justice in theocratic Israel.

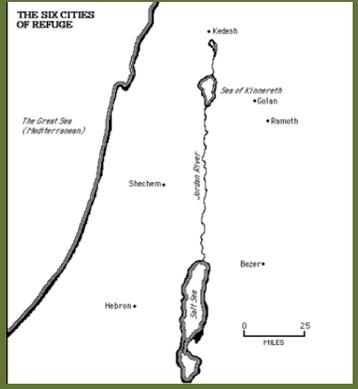
19:21 eye for eye

Lex talionis proportionate justice expressed idiomatically. Only one place in Mosaic law that called for mutilation. This is the protocol for sentencing.

What about Jesus’ teaching in **Matt. 5:38-42**? Jesus is teaching personal ethics, not judicial protocols. Like Paul in **Rom 12:19-21** just before he writes **13:1-4**.

V. CONCLUSION

- All civil adjudication under the theocracy was clearly God’s judicial activities: *“You will not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid of any man’s presence, for the judgment [mishpat] is God’s.”* Deut 1:17
- All nations outside of the Israelite theocracy start with man—using fragments of his fallen conscience plus subjective speculations about “rights”.
- God guarded life by restraining emotional overreach through the cities-of-refuge protocol as an expression of the 6th commandment.
- God demanded controls on evidence-tampering as an expression of the 9th commandment.
- God also set up a protocol to safeguard testimonial evidence under the 9th commandment.

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<p style="text-align: center;">God’s Design of Society</p> <table border="1"> <tr> <th data-bbox="267 1396 527 1438">LIFE (protected)</th> <th data-bbox="527 1396 787 1438">LIFE (jeopardized)</th> </tr> <tr> <td data-bbox="267 1459 527 1501">MARRIAGE & FAMILY (strong & functioning)</td> <td data-bbox="527 1459 787 1501">MARRIAGE & FAMILY (weak & dysfunctional)</td> </tr> <tr> <td data-bbox="267 1522 527 1564">LABOR & PROPERTY (respected & productive)</td> <td data-bbox="527 1522 787 1564">LABOR & PROPERTY (demeaned & wasted)</td> </tr> <tr> <td data-bbox="267 1585 527 1648">INTEGRITY of COMMUNICATION (consistently states truth)</td> <td data-bbox="527 1585 787 1648">INTEGRITY of COMMUNICATION (deceitfully professes truth for agendas)</td> </tr> <tr> <td data-bbox="267 1669 527 1732">HEART ALLEGIANCE (to God)</td> <td data-bbox="527 1669 787 1732">HEART ALLEGIANCE (to self)</td> </tr> </table>	LIFE (protected)	LIFE (jeopardized)	MARRIAGE & FAMILY (strong & functioning)	MARRIAGE & FAMILY (weak & dysfunctional)	LABOR & PROPERTY (respected & productive)	LABOR & PROPERTY (demeaned & wasted)	INTEGRITY of COMMUNICATION (consistently states truth)	INTEGRITY of COMMUNICATION (deceitfully professes truth for agendas)	HEART ALLEGIANCE (to God)	HEART ALLEGIANCE (to self)	<p style="text-align: center;"><i>“You will not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid of any man’s presence, for the judgment [mishpat] is God’s.”</i> Deut 1:17</p>
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