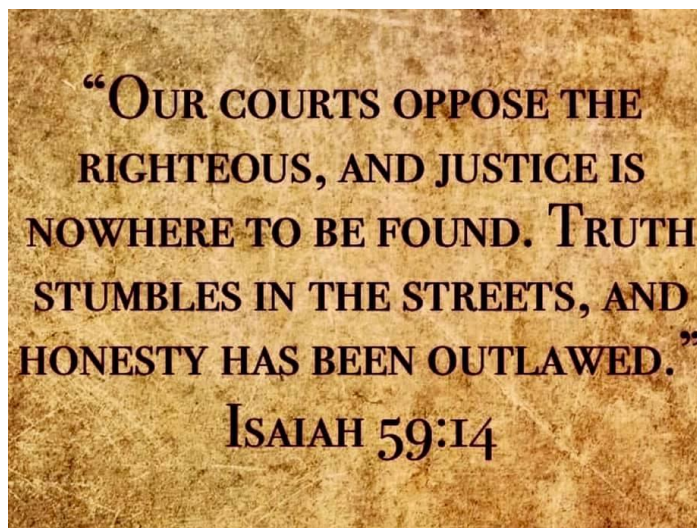


Bible study notes

What is Justice?

The Biblical Requirement for Independent Panels and Judiciaries

By C. M. White
Version 4.3



“It is not good to be partial to the wicked or to deprive the righteous of justice.” (Prov 18:5)

“Whoever sows injustice will reap calamity, and the rod of his fury will fail.” (Prov 2:8)

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Our purpose and desire is to foster Biblical, historical and related studies that strengthen the Church of God's message & mission and provides further support to its traditional doctrinal positions.

“If you really keep the royal law found in Scripture, “Love your neighbor as yourself,” you are doing right. **But if you show favoritism, you sin and are convicted by the law as lawbreakers.**” (James 2:8-9)

“My brothers and sisters, believers in our glorious Lord Jesus Christ **must not show favoritism.**” (James 2:1)

“I solemnly command you in the presence of God and Christ Jesus and the highest angels to obey these instructions **without taking sides or showing favoritism to anyone.**” (1Tim 5:21)

Introductory Remarks

During the Feast of Tabernacles and at other times, the subject of justice has come up. We are told how God demands justice in the Bible and that Christ will implement and enforce justice during His reign.

But what is justice and how should it be implemented? How will it be during the Wonderful World Tomorrow?

Is it just as simple as having the holy spirit within one that somehow leads or forces one to be just? From the Scriptures and experiences of many, that cannot possibly be the case.

For justice to prevail there is more to it than possessing the holy spirit. The holy spirit is an energy or power that helps us to grow in Godly character – it does not force one to do anything. If it did, we would not need to be told what the laws of God are, or the beatitudes, etc. We would just do it as some sort of automatons without learning or making decisions and thereby not developing character.

Such is preposterous.

But God requires of us to make decisions and walk in a way that grows more and more like Him. Common sense, Biblical principles and laws should tell us that if we were to have justice toward others or in the Church, and a system that must be established to enable and even enforce it. Without a system there is no consistency; or means for fairness; or avenues for recourse. In other words, there is no justice.

Corporately – for that is the thrust of this study – justice can only be implemented and therefore prevail, if a system is set up. In a modern world, that would include education, overarching policy statement, detailed policy and guidelines, an independent judiciary or panel which are neutral etc to ensure a righteous outcome in areas of major concern.

- Panels should be set up to investigate major issues or problems. Eg abuse or corporate issues such as ministers not fulfilling their roles.
- Judiciaries to fairly judge a major sin or problem and come to a truthful and fair judgment.

This article discusses the above interchangeably.

The United Church of God itself states:

“There Isn’t Always Justice

As Christians, how do we respond when we're treated unfairly? Do we forbear and respond with the fruits of the Spirit or do we respond with the works of the flesh? It is a test of our Christian character.

In this world, there isn't always justice. At times we're forced to suffer because of the incompetence, mistakes and sins of other people, **even in the Church.** God's Church and His people aren't perfect ...

There may be times, however, when **it is appropriate to defend ourselves or others against unfair treatment or to pursue justice**, but it must still be done

with respect and forbearance.” [emphasis mine] (L. Hansen, “When it’s not Fair, we must still Forbear.” *United News*, December 2010. <http://www.ucg.org/christian-living/when-its-not-fair-we-must-still-forbear/>)¹

Definition

In the first instance, we need to know what *justice* is and we should be informed by the specialists in the subject matter:

“the quality of being just; righteousness, equitableness, or moral rightness: to uphold the justice of a cause. **rightfulness or lawfulness**, as of a claim or title; justness of ground or reason: to complain with justice.” (<https://www.dictionary.com/browse/justice>)

Synonyms for justice include fairness and impartiality according to <https://dictionary.cambridge.org/dictionary/english/equity>

Another source reveals:

“The definition of justice is the use of power as appointed by law, honor or standards to support fair treatment and due reward.

Concepts of Justice

- Many philosophers, theologians, sociologists and others define justice as the proper ordering of people and things.
- All races and religions include a definition of justice in their codes of law and conduct. Justice is, in fact, the glue that holds societies together.
- Justice **includes the notion of upholding the law**, as in the work of police, judges and the court.
- Behind the concept of justice lies the notion of balance - that **people get what is right, fair and appropriate**.

An example of justice is someone being set free from prison after dna evidence shows they are innocent.” (“Justice,” Yourdictionary.com) [emphasis mine]

So, we can see that justice has a fairly broad application which includes doing what is right by the other person. A righteous person is not belligerent or self-willed but wants a good outcome for the other person or “outgoing concern for others” as Herbert W Armstrong used to instruct.²

This includes getting to know the other person and sit down and listen to them to find out the truth about a matter. Listening to others including other ministers or friends instead does not make the accusation accurate.

But wait, there is more:

“Justice is Care for the Vulnerable

The Hebrew word for “justice,” *mishpat* occurs in its various forms more than 200

¹ This author sent a submission in to the UCG’s Council of Elders in 1999 requesting that the Church set up such panels or judiciaries.

² “To have admirable laws is one thing, but what really counts in practice for the ordinary person in everyday life is how those laws are actually administered. The process of justice is an urgent human concern in every age and society.” (Christopher Wright, *Old Testament Ethics for the People of God*, p. 301) And “... just laws may be unjustly used, or simply ignored.” (p. 324)

times in the Hebrew Old Testament. **Its most basic meaning is to treat people equitably.** It means acquitting or punishing every person on the merits of the case, regardless of race or social status. Anyone who does the same wrong should be given the same penalty.

But *mishpat* means more than just the punishment of wrongdoing. It also means giving people their rights. Deuteronomy 18 directs that the priests of the tabernacle should be supported by a certain percentage of the people's income. This support is described as "the priests' *mishpat*," which means their due or their right. *Mishpat*, then, is **giving people what they are due, whether punishment or protection or care.**

This is why, if you look at every place the word is used in the Old Testament, several classes of persons continually come up. Over and over again, *mishpat* describes taking up the care and cause of widows, orphans, [legal] immigrants and the poor—those who have been called "the quartet of the vulnerable."

In premodern, agrarian societies, these four groups had no social power. They lived at subsistence level and were only days from starvation if there was any famine, invasion or even minor social unrest ...

The *mishpat*, or justness, of a society, according to the Bible, is evaluated by how it treats these groups. Any neglect shown to the needs of the members of this quartet is not called merely a lack of mercy or charity but a violation of justice, of *mishpat*. God loves and defends those with the least economic and social power, and so should we. That is what it means to "do justice." (<https://relevantmagazine.com/god/what-biblical-justice/>) [emphasis mine]

Social power includes political power or influence. In other words, wealth and relationships should not influence opportunity or judgment outcomes which must be completely neutral or independent and fair.

So, from the above, we can see that there is similarity between our modern understanding of justice and the Bible's. A very good overview of the Biblical justice system can be found in Rousas Rushdoony's work *The Institutes of Biblical Law* (Vol. 3), chapters 7-17. Chapters 7-10; and an extract from Richard Hiers, *Justice and Compassion in Biblical Law* which are contained in the appendices.

Another work that delves into this is *Old Testament Ethics for the People of God* by Christopher Wright, chapters 8-9. These chapters are highly recommended to be read, absorbed and acted upon to avoid injustices and thereby the pollution of the Church of God.,

Apart from the Christian scholars referred to above, even the world tries to have justice and sets up systems the best it can to ensure good outcomes. Even the non-Sabbatarian churches have systems in place for just outcomes.

It is absolutely central in the Western world that we must abide by "the rule of law" in lieu of the "rule of men" no matter who they are or what position they hold. ALL are equal before the law. Did not Aristotle express something similar?

For the law is a restraint upon human nature. It teaches and it tames and civilises peoples. It is also a safeguard for all – in particular the poor and underprivileged or those without much influence and power. In other words no one is beyond or above the law.

Claiming that elders or sort of priests, sit on Moses' Seat and are above the law is heresy and not sanctioned by the Church of God.

The Mind of Christ

“So if there is any encouragement in Christ, any comfort from love, any participation in the Spirit, **any affection and sympathy**, complete my joy by being of the same mind, **having the same love**, being in full accord and of one mind.

Do nothing from selfish ambition or conceit, but in humility count others more significant than yourselves.

Let each of you look not only to his own interests, but **also to the interests of others**.

Have this mind among yourselves, which is yours in Christ Jesus.” (Phil 2:1-5)

The New Testament talks about putting on the new man – about developing the mind of Christ. Whom was God on earth and thus attributed all of the Godly attributes in the flesh.

So, the mind of Christ fulfils God's character, nature and will that is found throughout the Bible in both Old and New Testaments.

The term may well be from the Isaiah 40:13 - so much of the New Testament is based on the Old, after all. 1Cor 2:16 quotes Isaiah:

““For who has understood the mind of the Lord so as to instruct him?” But we have the mind of Christ.”

In contrasting the worldly man to what we should be like, Paul explains that we are to have His mind. That is, we should be looking at our walk and observing/comparing the world's ways from Christ's perspective – which is God's perspective. In other words, His character, love, laws, beatitudes, fruit of the spirit, empathy, justice etc. We must act and think like He does, not how the world does.

As such we must eschew cronyism, unfairness, jealousy and the spirit of competition, imagining rivalry where none exists.

Instead, Paul says, we must be spiritual or act as a Christian whom is a follower of the ways of Christ – becoming like Him by developing His mind in us through the holy spirit (1Cor 2:15).

One aspect is justice which means that God eschews cronyism, nepotism, unfairness and making decisions based upon slander and without a fair trial.

God is love and is so just that He cannot be unjust. As such we little bits of human flesh must strive to become like Him. So, as He sets the standards of justice, this we must follow. In other words, we must do what is right, regardless.

Justice is not one thinking one is like a priest or that one has a double portion of the spirit or that one supposedly sits on Moses Seat. Such thinking is haughty demonstrating great pride, puffing one up with arrogance - “an inflated sense of self-importance” as Herbert Armstrong used to teach.

This sort of self-centred thinking and inflated self-importance leads to abuse and making decisions or running a congregation in a way that leads to fruitlessness or negative growth.

So, to return to the subject of the mind of Christ – it is a reflection of God Himself with attributes we should all be growing in. Caring for others, having empathy, thinking of other's needs, ensuring justice etc all reflects God's mind.³

As no human can be the accuser, policeman, judge, jury, jailor – it is simply impossible with or without God's spirit – we must resort to what God has revealed one must do - deferring to neutral judiciaries to make decisions with just outcomes.

Anyone thinking that they are above God's laws and requirements as sort of priests sitting on Moses Seat with a double portion of the spirit is not just fooling themselves, they are not just operating well outside their jurisdiction and Church teaching/policy, they are greatly in violation of Biblical principles.

Such an approach leads to injustices because the one with such arrogance is actually lazy. He prefers not to spend the time going through due process but wishes to make snap decisions based upon his 'inspiration' and even preferential outcome (based upon gossip, who he is friends with, jealousy or his personal views of the accused).

These sorts demonstrate carnal preferences for people. That is not the mind of Christ nor justice.

Some have actually stated that they are "as Christ before you" sitting in judgment (others no longer openly state that, but evidently think that way). This is both blasphemy and heresy and they will face the consequences for such extraordinary arrogance and pride. Nor is it the doctrine of most Church of God groups, but is a false doctrine that has crept in and has caused horrendous abuse.

On the other hand, some mean well and sincerely attempt to be a good judge but cannot help themselves – they seem to default to backing up their colleagues regardless "because God backs up government" and that somehow trumps justice.

The only way to minimise human nature's effects whether in converted or unconverted people in this regard is by setting up neutral judiciaries.

"What did Sir Thomas More die of? He died because his king thought of him as a wielder of power. And what More wanted to be, what Erasmus wanted to be, what every strong intellect wants to be, is a guardian of integrity. There is an age-old conflict between intellectual leadership and civil authority."
(Jacob Bronowski, *The Ascent of Man*, pp. 374 and 429).

³ "The combination of justice and righteousness appears often in the Bible, frequently in connection with ruling powers. A dominant theme associated with this ethical idea and practice is the obvious relationship between the doer of these good deeds and the LORD. Jeremiah 22:11-17, an address to Shallum the son of Josiah, king of Judah, challenges the king at that time to review his reign. "Did not your father eat and drink and do justice and righteousness (vesmu ypan)? Then it was well with him. He judged the cause of the poor and needy; Then it was well. Was not this knowing (,gsv) me? (Jer. 22:15-16)." Why does a king who performs justice and righteousness *know* God? According to Jeremiah 9:24 the one who knows (gsh) God, understands that God himself does justice and righteousness (vesmuypan). **To do deeds of justice and righteousness is to act out the very character and desires of God. Therefore, a king who truly knows God will seek to emulate the LORD; justice and righteousness are one facet of God's constitution.** Conversely, one is deemed wicked if he does not perform justice and righteousness, yet if the wicked turns from his evil ways of oppressing the poor and needy, he will live (Ezek. 18:1-27, 33:12-16)." (G. L. Alley, *Good News to the Poor: From Jubilee to Judgement*, p. 29) [emphasis mine]

Key Scriptures

Below are a number of key scriptures you can read yourself as you study the subject. They demonstrate clearly God's concern for justice, fairness and the right outcome. Someone in a higher position and in power always winning and getting his way, is not Godly, but abuse. Such also leads to the entrenchment of bad behaviours and the ongoing loss of members as they are subject to abuse and cannot fathom how the Church could possibly permit this sort of thing to continue.

"You shall do no injustice in court. You shall not be partial to the poor or defer to the great, **but in righteousness shall you judge** your neighbor." (Lev 19:15)

"So David reigned over all Israel, and **he administered justice and equity** to all his people." (IChron 18:14-15)

"**Evil men do not understand justice**, but those who seek the LORD understand it completely." (Prov 28:5)

"Like a cage full of birds, their houses are full of deceit; therefore they have become great and rich; they have grown fat and sleek. They know no bounds in deeds of evil; **they judge not with justice** the cause of the fatherless, to make it prosper, and they do not defend the rights of the needy.

Shall I not punish them for these things? declares the LORD, and shall I not avenge myself on a nation such as this?" (Jer 5:27-29)

"**Give justice to the weak and the fatherless; maintain the right of the afflicted and the destitute**" (Ps 82:3).

"**Learn to do good; seek justice, correct oppression;** bring justice to the fatherless, and please the widow's cause." (Is 1:17)

"But woe to you Pharisees! For you tithe mint and rue and every herb, **and neglect justice and the love of God**. These you ought to have done, without neglecting the others." (Luke 11:42. Cp Matt 23:23)

"The Rock, His work is perfect, for **all his ways are justice**. A God of faithfulness and without iniquity, just and upright is he." (Deut 32:4)

"Righteousness and **justice are the foundation of your throne**; steadfast love and faithfulness go before you." (Ps 89:14)

"For the LORD is righteous, **he loves justice** ..." (Ps 11:7)

"For **I, the LORD, love justice** ..." (Is 61:8)

"**Blessed are they who maintain justice**, who constantly do what is right." (Ps 106:3)

"**But let justice roll on like a river**, righteousness like a never-failing stream!" (Amos 5:22-24)

"He has showed you, O man, what is good. And **what does the LORD require of**

you? To act justly and to love mercy and to walk humbly with your God." (Mic 6:8)

"Do not exploit the poor because they are poor and **do not crush the needy in court ...**" (Prov 22:22)

"If a man is righteous and does what is just and right ... does not oppress anyone, but restores to the debtor his pledge, commits no robbery, gives his bread to the hungry and covers the naked with a garment, does not lend at interest or take any profit, **withholds his hand from injustice, executes true justice between man and man**, walks in my statutes, and keeps my rules by acting faithfully--he is righteous; he shall surely live, declares the Lord God." ...

And if he doesn't? Then "He shall not live. He has done all these abominations; he shall surely die; his blood shall be upon himself." (Ezek 18:5, 7-9, 13)

"**Do not deny justice** to your poor people in their lawsuits." (Ex 23:6)

"Speak up for those who cannot speak for themselves, for the rights of all who are destitute." (Prov 31:8)

"His [Jesus'] delight will be obedience to the Lord. **He will not judge by appearance, false evidence, or hearsay**, but will defend the poor and exploited. He will rule against the wicked who oppress them." (Is 11:3-5)

"... but let him who boasts boast in this, that he understands and knows me, that I am the LORD who practices steadfast love, **justice**, and righteousness in the earth. For in these things I delight, declares the LORD." (Jer 9:24).

"But I was like a gentle lamb led to the slaughter. I did not know it was against me they devised schemes, saying, "Let us destroy the tree with its fruit, let us cut him off from the land of the living, that his name be remembered no more." But, **O LORD of hosts, who judges righteously**, who tests the heart and the mind, let me see your vengeance upon them, for to you have I committed my cause." (Jer 11:19-20)

"**The righteous care about justice** for the poor, but the wicked have no such concern." (Prov 29:7. Cp Prov 14:31; Deut 24:14)

"The fear of man lays a snare, but whoever trusts in the LORD is safe. Many seek the face of a ruler, but it is **from the LORD that a man gets justice**. An unjust man is an abomination to the righteous, but one whose way is straight is an abomination to the wicked." (Prov 29:25-27)

"**The LORD takes his place in court. He is the great prosecuting attorney, presenting his case against his people! The leaders and the princes will be the first to feel the LORD's judgment.**" "You have ruined Israel, which is my vineyard. You have taken advantage of the poor, filling your barns with grain extorted from helpless people. How dare you grind my people into the dust like that!" demands the Lord, the LORD Almighty." (Is 31:13-15) [ie fleecing the flock]

"God presides over heaven's court; **he pronounces judgment on the judges**: How long will you shower special favors on the wicked? Give fair judgment to the poor and the orphan; uphold the rights of the oppressed and the destitute.

Rescue the poor and helpless; deliver them from the grasp of evil people." (Ps 82:1-4)

"Therefore **do not pronounce judgment before the time**, before the Lord comes, who will bring to light the things now hidden in darkness and will disclose the purposes of the heart. Then each one will receive his commendation from God." (1Cor 4:5)

"The Rock! His work is perfect, For **all His ways are just**; A God of faithfulness and without injustice, Righteous and upright is He." (Deut. 32:4)

Other scriptures: Ps 11:5; 37:9, 27-29; Prov 21:15; 24:24-25; 28:5; Is 41:7-9; 55:12-14; Hos 12:9; Zeph 1:9; Mal 2:16-17; IPet 3:14; James 1:19-20; 3:17.

The Biblical System

"Hate evil, love good; maintain justice **in the courts.**" (Amos 5:15)

Not only do the scriptures show us to be just, but it also shows us that there should be some sort of neutral court system in place to hear complaints and accusations.

In the Old Testament, there was a jury system in place. There was the separation of powers of the priesthood, political (King and administration), the elders, prophets and the judicial system. No one had absolute power including anyone with the holy spirit.

Note for example what Samuel the prophet did in relation to the King: ISam 10:24-25. Kings were not supposed to have total power – checks and balances were initially in place.

Neutral or independent courts/judiciaries (panels):

"You shall appoint judges and officers in all your towns that the LORD your God is giving you, according to your tribes, and they **shall judge the people with righteous judgment.**

You shall not pervert justice. You shall not show partiality, and you shall not accept a bribe, for a bribe blinds the eyes of the wise and subverts the cause of the righteous.

Justice, and only justice, you shall follow, that you may live and inherit the land that the LORD your God is giving you." (Deut 16:18-20)

"**Ye shall do no unrighteousness in judgment:** thou shalt not respect the person of the poor, nor honour the person of the mighty: but in righteousness shalt thou judge thy neighbour. Thou shalt not go up and down as a **talebearer** among thy people: [eg running down members to other ministers] neither shalt thou stand against the blood of thy neighbour: I am the LORD." (Lev 19:15-16)

"Malicious witnesses rise up; they ask me of things that I do not know.

They repay me evil for good; my soul is bereft." (Ps 35:11-12)

Gossiping or slandering members behind their backs to 'set them up' falls within this category of sin.

"He is near that justifieth me; who will contend with me? Let us stand together: who is mine adversary? Let him come near to me?" (Is 50:8)

Note: those that falsely accuse you must come and say it in front of you – do it in a court situation.

"And I charged your judges at that time, saying, hear the causes between your brethren, and **judge righteously** between every man and his brother, and the stranger that is with him. **Ye shall not respect persons in judgment; but ye shall hear the small as well as the great**; ye shall not be afraid of the face of man; for the judgment is God's: and the cause that is too hard for you, bring it unto me, and I will hear it." (Deut 1:16-17).

"Do not pervert justice or show partiality ... Follow justice and justice alone..."
(Deut 16:19-20)

"It is not good to have respect of persons in judgment." (Prov 24:23)

Unfortunately, some believe that they are so inspired, they can make decisions behind your back without your knowledge! For God backs them up regardless, they believe.

Others do so out of malice.

"Doth our Law judge any man, before it hear him, and know what he doeth?" (John 7:51).

"If one gives an answer before he hears, it is his folly and shame." (Prov 18:13)

"The one who states his case first seems right, until the other comes and examines him." (Prov 18:17)

"But if you show partiality, you are committing sin and are convicted by the law as transgressors.

For whoever keeps the whole law but fails in one point has become accountable for all of it." (James 2:9-10)

The rule of law is essential to ensure a proper outcome which is Godly and Biblical. But to be able to do so, there must be a neutral judiciary in place.

Paul Johnson, the famous British historian wrote:

"The rule of law, as distinct from the rule of a person, or class or people, and as opposed to the rule of force, is an abstract, sophisticated concept. It is mighty difficult to achieve. But until it is achieved, and established in the public mind with such vehemence that masses of individuals are prepared to die to uphold it, no other form of progress can be regarded as secure. The Greeks had tried to establish the rule of law but failed. The Romans had succeeded under their republic, but Caesar and his successors had destroyed it. The essence of the rule of law is its impersonality, omnipotence and ubiquity. **It is the same law for everyone, everywhere—kings, emperors, high priests, the state itself, are subject to it. If exceptions are made, the rule of law begins to collapse**—that was the grand lesson of antiquity" ("No Law Without Order, No Freedom Without Law," *Sunday Telegraph*, 26 December 1999) (emphasis mine).

So, in God's system also, no one is above His law, Church policies or requirements for one to fulfil their duties and contracts. Anyone contesting one who breaks these requirements must be able to take

them to a neutral judiciary.

As Herbert W Armstrong wrote in "Romans 13 and the State of California Attack," *Good News*, March 1980:

"Now notice what a "scholarly" commentary says in expounding Romans 13.

Speaking of government rulers: "If he rules according to the Constitution nothing can justify (the individual) rebelling against his authority ... **When the ruler acts thus (contrary to law or the Constitution) he dissolves the compact between him and his people; his authority is no longer binding, but illegal; and it is illegal because he is acting contrary to the laws of the Constitution**, according to which, on being raised to the supreme power he promised to govern. This conduct justifies opposition to his government" — and the commentary means in GOD'S sight! (*Adam Clarke's Commentary*)" (p. 25) [emphasis mine]

The equivalent in the Church today is if a minister does not operate with justice, Church values, policy and pastoral manual. Or if he refuses to preach the doctrines of the Church or run the local congregation properly. All this must be reported and dealt with, otherwise he is fleecing the flock.

There are those who argue that they are so inspired that they can see things about you by Divine inspiration which you cannot. Even without getting to know you. They just know from inspiration that you are proud etc.

This an excuse for laziness or just wanting to get their way with you. If you resisted or protested your innocence you were pronounced guilty anyway and forced to accept that you were like this or that. Or be suspended from church attendance for rebellion or pride or a supposed secret sin.

If you were a little upset by the lies, exaggerations or injustice, you were suspended and declared unclean for being angry.

Then there are the pressures for you to admit guilt even if not guilty, to 'get you' as they take sides. Self-condemnation by the innocent behind closed doors goes on. If an incorrect judgment is made, no apology is issued but statements made that "but God has sent us to find out more about your sins, so tell us your sins." If you did, you were suspended. If you did not, you were still suspended.

Can anyone point out anywhere in Scripture that this is what went on in the early Church of God or what God wants elders to do?

Justice Abe Fortas, had this to say about rights against self-incrimination:

"The principle that a man is not obliged to furnish the state with ammunition to use against him is basic to this conception.... [The state] has no right to compel the sovereign individual to surrender or impair his right of self defense ... *Mea culpa* [confession of guilt] **belongs to a man and his God. It is a plea that cannot be exacted from men by human authority. To require it is to insist that the state is the superior of the individuals who compose it, instead of their instrument**". (L. W. Levy, *Origins of the Bill of Rights*, Yale University Press, p. 194).

This is a just principle and applies to us too.

Over the years, even to recent times, there have been those who have actually stated that ministers are above

the law of the land – by this they meant that includes any law they disagree with, not those in conflict with God's Law such as the Sabbath.

Mr Herbert W Armstrong addressed this in a sermon *Just What is the Church?* In 1970:

"Now I have shown that the true Church of God is NOT a human organization or corporation, but a spiritual organism, composed of all who have and are being led by the Holy Spirit of God abiding in them. Yet the Church is ORGANIZED... "

"But is the corporation the Church?

IT IS NOT! The Church existed as a spiritual organism, organized as CHRIST organized it (NOT organized on any human plan), and it carried on the SAME Work of God.

What about incorporating according to the civil laws of man? The answer is: **God instructs His Church to be subject to the powers of man's government over him.**

When — in our time — the Work of God was small there was no need of being incorporated. This Work was NOT incorporated until it became necessary in order to deal with the world in carrying out the Commission to go to the world with Christ's Gospel. The Work has grown worldwide and very large, and human governmental laws would not allow it to function without incorporating." [emphasis mine]

Due Process:

Here is what *Black's Law Dictionary* has to say about the subject:

"Particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such **safeguards for the protection of individual rights** as those maxims prescribe for the class of cases to which the one in question belongs. A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings any validity, **there must be a tribunal competent by its constitution-** that is, by the law of its creation-to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance ...

Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. **If any question of fact or liability be conclusively presumed against him, this is not due process of law.**

An orderly proceeding wherein a person is served with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case ...

The concept of "due process of law" ... demands that **a law shall not be unreasonable, arbitrary, or capricious** and that the means selected shall have a reasonable and substantial relation to the object being sought ...

Fundamental requisite of "due process" is the opportunity to be heard, to be aware that a matter is pending. To make an informed choice whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons

for such choice.

Aside from all else, **"due process" means fundamental fairness and substantial justice ...**

Embodied in the due process concept are the basic rights of a defendant ... and include, **timely notice of a hearing or trial which informs the accused of the charges against him or her the opportunity to confront accusers and to present evidence on one's own behalf before an impartial jury or judge; the presumption of innocence** under which guilt must be proven by legally obtained evidence and the verdict must be supported by the evidence presented; the right of an accused to be warned of constitutional rights at the earliest stage ... protection against self-incrimination; assistance of counsel at every critical stage of the ... process; and the guarantee that an individual will not be tried more than once for the same offense (double jeopardy)." (H. C. Black, *Black's Law Dictionary* (6th ed), West Publishing Co, 1996, p. 500)

The above is also Biblical and is just. Even the world makes attempts at justice!

For instance, the famous *Magna Carta* (originally known as *Articles of the Barons*) included among its 63 clauses, several pertaining to justice:

- To no one will we sell, to no one will we deny or delay right or justice.
- No free man shall be seized or imprisoned or stripped of his rights or possessions except by the lawful judgement of his equals or by the law of the land.
- Establishing a qualified independent judiciary with the appointment of justices, constables, sheriffs, or bailiffs who know the law and mean to observe it well.

In fact, the *Magna Carta* even inspired parts of the Australian Constitution which enshrines the following principles:

- Rule of Law - no one is above the law. The rules apply to everyone, regardless of their status, race, religion, or beliefs.
- Due Process of the Law – disputes between citizens and the State can only be determined by the Courts.
- Trial by jury - no one can be sent to prison without a trial or finding of guilt. Lawful judgement will be delivered by one's peers, or the law of the land.
- No taxation without representation – the government is not permitted to levy taxes without the consent of the people through Parliament.
- The Judicature – the judicial power (the courts) of the Commonwealth are required to act as a system of checks and balances on government power.

How Biblical is the above! The Church should enshrine similar principles in its Constitution, Bylaws and policies.

The old Worldwide Church of God's publication, *The Plain Truth*, said as much in an article published in 1985:

"But along with this fact, the truth is most societies also have experiences with crooked judges and greedy, unethical lawyers. There are corrupt policemen, and prosecutors who will drop criminal charges if paid a sufficient sum." (Donald D Schroeder, "Why so Much Injustice?" *Plain Truth*, Oct 1985, p. 32)

"True justice is built on a clearly defined system of legal procedure and careful fact-finding by qualified and mature judges who quickly but fairly get to the roots of crime or civil conflict. True justice goes beyond mere physical facts of a case and discerns intents and attitudes of mind.

"True justice is not a system of one kind of justice for the rich and powerful, and another for the poor and helpless. In true justice one system of judgment exists for wrongdoing regardless of race, sex, economic or political status." (p. 36)

Or whether one is a minister or a relative/friend of a minister.

Steps in due process:

God only gives us laws, principles and examples without laying out every detail of how to implement this or that law or system (eg agricultural laws, third tithe etc) including judicial systems. What we must do is use the holy spirit and explore God's Word to find out how to implement the Laws of God at any given time. By this means we develop character by creating the systems to operate a church in a given historical period or culture that works for that period. It is no use trying to implement a 1950s style of administration in the 21st century as it is like forcing a square peg into a round hole with the consequent problems we experience. I talk not of the law or of doctrines - but the means to administer the Church.

Given the above, an independent judiciary should be appointed to look into issues and abuses of power from a neutral perspective. This will provide a 'check 'n balance' to those operating outside their jurisdiction and makes most think twice before acting in the wrong way or not making righteous decisions. If the Church area cannot produce a neutral judiciary or panel, then outside help should be sought.

Matthew 18:15-17 could be followed in principle but be mindful that this is about personal sins and issues. Not about corporate or Church elder issues where they are abusive, liars, rebels and teach watered-down or even false doctrines. Or not fulfilling their roles and contracts.

Instead of members being told to trust them and "to just accept" this or that – including in making such decisions – they should be told to trust God and the systems He requires for justice.

Let us consider a scenario: a member recently steals from a shop and their minister finds out about it. Such would be suspended immediately and if he does not repent then disfellowshipped.

Another scenario: a member espouses a major doctrine different to that believed and taught by the Church, but the member is divisive about it. What should the ministerial response be? Here are some common sense steps:

1. The ministerial handbook and policies must outline the justice process
2. Sermons must be given on the subject to explain the Church's position
3. Bible studies presented on the subject and even with the member
4. Visits to see the member to explain all this. Consider:
 - a. Is it a major or minor doctrinal difference?
 - b. Is it so bad that it should lead to immediate action (eg he was campaigning for Sunday observance, New Year's observance, anti-holy days observance and such like)?
 - c. Is it relatively minor and causing waves or not and is it an immediate problem?
5. then they should be warned with 2 or 3 warnings
6. If that doesn't work, then they can be suspended etc

All of this falls within the umbrella of due process and requires patience, subject matter knowledge and teaching capacity.

There are those that conduct themselves disgracefully, to such an extent that they have given God's Church a bad name to those without.

“He must not be a recent convert, or he may become **puffed up with conceit** and fall into the condemnation of the devil.

Moreover, **he must be well thought of by outsiders**, so that he may not fall into disgrace, into a snare of the devil.” (ITim 3:6-7)

What should not be happening:

As related by so many members, an old-style classic ‘setting you up’ that used to go on. A minister talks with other ministers to set them against a member, behind their back (and without their knowledge), causing reactions and getting backing. Then comes to the member and suspends them without any justice or fair hearing; or declares them a member not in good standing without telling them and without any reason (there isn't any). The accusations were false and based upon jealousy, the spirit of competition, gossip/slander and such like.

This is the sort of thing they do:

1. collect information on a member they don't like or are jealous of
2. make it (the allegation or situation) sound negative or even more negative than it is
3. talk to their friends in the ministry and in those days, the Regional Director
4. then with everyone on their side (but the member kept in the dark), then they go and ‘get’ the member
5. the minister and his friend that visits the member then grill and upset the member so that they react angrily and thus are labelled rebels or that they have ‘pride’ and then they are told that they are suspended. This then makes them 80% assured of being disfellowshipped. Trying to get back into the ‘not suspended’ or full membership category is almost impossible. The members certainly suffered over nothing or minor things as we all know (when UCG was set up we all agreed to stop this sort of thing)
6. the member then is told they cannot try and find out who the accusers are and have to accept the supposed allegations (ie trumped up charges)
7. if they do accept guilt or the accusation after pressure, threats and brow-beating, they are proclaimed guilty. If they don't, they are proclaimed rebels and thus still guilty
8. to appeal they can go to the Regional Director (or equivalent) – but they are already against the member given point 3 and there is no justice
9. the minister takes on the role of investigator, policeman, jury, judge and executioner because he thinks that he has a ‘double portion’ of the spirit, and is a ‘priest’ of sorts, ‘sitting on Moses’ Seat.’

This is surely selfishness – the way of GET instead of the way of GIVE.

Members recall all this so well and a church with such knowledge and a great Work was slowly being devoured or had undermining take place within, so that when the apostates took over, it was easy to conquer and it just fell apart quickly.

This was due, in a major part, to injustices and members eager to flee the oppression.

Rights of Non-ordained members

We all know our obligations but how many of us know our God-given rights?

Before God, every member must be treated with respect as they are God's precious treasures and children, holy and righteous in His sight.

As such, they all have a right to a fair hearing and just outcome.

Every minister must recognise the inherent value of each member, regardless of personality differences or gossip/slander. This means that members have a God-given right to be treated fairly and justly without abuse or bullying (eg unreasonableness, shouting, accusing, believing in rumours even if from other ministers, repeated mistreatment, jealousy, favouritism and such like).⁴

Unreasonable behaviour that results in stress, mental or health problems is very serious and can result in the member not wishing to attend church services or even leave. It can also lead to legal issues.

God has provided members with spiritual gifts and talents which should be utilised for the benefit of others. A minister's duty is not to prevent these from being used, but to facilitate their use.

This means:

1. treating all with dignity and honour
2. mutual respect – caring for them and their feelings
3. equal treatment – there must be no 'power groups' forming around a minister which become his favourites. No favourite individuals. If a minister is jealous of a member or doesn't like them (due to rumours, personality differences or misunderstandings), he 'must go the extra mile' to build the relationship with them rather than allowing the situation to fester with the member 'getting the vibe' and feeling rejected and on the outer.

Non-Victimisation:

This means that it is against God's law and Church belief that one person should be treated less favourably than another which leads to claims of bullying, harassment and complaints. This is not the same as Biblical 'murmurings' which are from unconverted people about non-legitimate issues.

⁴ One of the reasons for so many staying with the old Worldwide Church of God was out or relief from being under hard taskmasters who abused them. They saw Tkach as a saviour from disgusting behaviours. Note this extract from an "An Interview with Mr. Larry Salyer", *In Transition*, April, Vol 2, Issue 4, p. 8:

"EWIN BARNETT: What changes did Joseph Tkach Sr. bring that the Worldwide Church of God needed?

LARRY SALYER: I think initially, Mr. Tkach's approach probably did bring a refreshing openness to the church. **The church over a period of a long time had taken on somewhat of a heavy-handed, authoritative, judgmental, approach.** This showed up in "the ministry will tell everyone how to live his or her lives" kind of a context.

I personally still think that was overdone. **I think we got way overboard in terms of the ministry controlling what people did.** The ministry has to teach the truth and help people and even correct people, but the ministry doesn't need to go around telling everybody what to do. Nevertheless, it was also blown way out of proportion by the reformers when they wanted to sell their new doctrines to the church. I think when Mr. Tkach first took over and people said here's a man who came up through the ranks.

He knows what it's like to be abused sometimes by church government. He understands what it means to be a minister in the congregation and deal with the issues that come up day by day. I think a lot of people were encouraged that he understood their plight and I think the openness that was created in terms of people being able to give input. He would go out to churches and hold meetings with all vast numbers of deacons and elders and so forth and ask their opinions.

He frequently would respond favorably to a suggestion made by a member in some remote part of the world. There was freshness and openness in that that people really appreciated." [emphasis mine]

Rather, it is about legitimate issues that some elders have brought upon themselves.

Victimisation includes the member suffering some form of detriment because they have lodged a complaint about ministerial conduct or non-compliance with Church doctrines, values, policies or behaviours. Or if the member supported someone else being mis-treated.

There must be no vindictiveness. This means that if a minister feels he should always win in situations, he gets back at the member later on, making his life miserable and driving them out of the church.

Behaving with Integrity:

Ministers must behave properly and conduct themselves worthy of the office. This includes consistency, fairness and accepting that their position is not that of a dictator, but of a servant. They must behave, act and preach in accordance with their requirements which includes preaching all the doctrines of the Church, setting up speaker's clubs, work groups (for socials, good works and outreach) and utilise the spiritual gifts and talents within the local congregation.

As the Church considers itself a family, we should be open and undertake the running of the church in a fashion that is non-cultic. There should be 6-monthly open meetings with the congregation with an agenda; annual sign-up lists for opportunities to serve; the weekly newsletter must include the speakers and topics.

Judicial System:

An independent judiciary (committee) should be established that cannot and must not be influenced by the minister.

The minister must agree with the Biblical principle of neutral/independent judiciaries and shall:

1. not attempt to influence it prior to, during and after the decision-making process
2. if a friend or family member is on the judiciary, they will disclose such and recuse themselves from the judiciary
3. that the judiciary may be composed of non-ordained Church of God and non-Church of God membership to ensure fairness in decision-making, where necessary.

Petitioning the Leadership:

If there is difficulty with certain serious situations, can the Church members have a petition?

Notice Moses's and Aaron's petition to the Pharaoh in Exodus 5. In both cases the rulers were vindictive and imposed even heavier burdens. It did not have to be that way.

Then there was also Israel's petition via Jeroboam. The United Church of God's *Bible Commentary* explains (read especially 1 Kings 12:1-6, 11-13:

“Rehoboam Loses the Kingdom (1 Kings 12:1-24; 2 Chronicles 10:1-11:4) January 8

Now the terrible consequences of Solomon's idolatry will begin to unfold for the entire people of Israel. Rehoboam goes to Shechem for his coronation. Prior to the coronation, however, the people of Israel had called Jeroboam back from Egypt, intending to make him their spokesman. Solomon's great building plans had required heavy taxes and forced labor, though some of the people were becoming wealthy through the trading empire Solomon had built (1 Samuel 8:11-18; 1 Kings 4:7; 9:15). With the accession of a new king, the people sought relief from the taxation.

That this was a well-orchestrated effort at taxation reform is indicated by the people's united activity and their selection of Jeroboam as spokesman. It also indicates that the house of Ephraim was likely the main force behind the united effort. Israel's kings were limited, constitutional monarchs, Samuel having set down in a written document the rights and responsibilities of the king according to God's law (1 Samuel 10:25; compare Deuteronomy 17:14-20). Absolute monarchs, by contrast, have no such limits.

Rehoboam proved himself to be a stubborn and foolish young man, which his father had worried over (see Ecclesiastes 2:18-19). His insensitivity to the request of his own people, and his apparent unawareness of the well-ordered petition brought by an Ephraimite in the land of Ephraim, showed him to be of dull discernment and unfeeling heart. That Shechem was the place where Israel had formerly bound themselves to God as their sole Sovereign (Joshua 24:23-25) also seems to have eluded the young heir to the throne. Rehoboam also seemed oblivious to the fact that all of Solomon's counselors, who were older and more mature than his less-experienced friends, advised him to reduce the heavy taxation—an indication that they too recognized the excesses of Solomon. Rehoboam was unable to recognize sound counsel when he heard it.

Indeed, the young man's judgment fell far short of the wisdom his father counseled in the book of Proverbs—and this despite the book's many appeals to "My son," i.e., to Rehoboam primarily. Yet really that should come as no surprise—since Solomon set such a bad example of not following it all himself. It may even be that Solomon was too distracted with his thousand wives and the administration of his kingdom to properly train Rehoboam for his future responsibility—so that the young man lacked a sound foundation for rulership. Furthermore, "the turn of events was from the Lord"—to bring about the divine punishment of Solomon that his heirs were to suffer (1 Kings 12:15).

The rebellion at Shechem was quickly followed by the anointing of Jeroboam as king of Israel. Rehoboam marshaled his troops, from Judah and Benjamin, to crush the rebellion, but a message from God forbade the contemplated assault, and Rehoboam relented." (<https://bible.ucg.org/bible-commentary/1-Kings/Rehoboam-loses-the-northern-tribes-to-Jeroboam/>)

Petitions are quite legitimate but unfortunately, some would often attempt to cut off the petitioners by getting into the ears of the leadership to vilify their representative and twist the facts. Eventually they come undone.

Concluding Statements

Christians are meant to be authentic, not charlatans. They are supposed to exhibit Christ-like qualities, one of which is **JUSTICE!**

The indwelling of the holy spirit is not enough to achieve justice as we all have our human nature, prejudices, jealousies and such like to overcome. As such, a system must be set up, viz:

- Insertion of appropriate statement re a judicial system and justice in the Church's Constitution and/or Bylaws and Rules of Association
- Education of all ministers and members in what justice is and the system required
- Relevant information in the pastoral manual
- Over-arching policy statement
- Detailed policy and guidelines (transparency and easy access to the policies, guidelines etc for the membership)

- A neutral or independent judiciary or panel
- Terms of reference for the judiciary
- Final appeal to the Council of Elders

“... and said to the judges, "Consider what you do, **for you judge not for man but for the LORD**. He is with you in giving judgment. Now then, let the fear of the LORD be upon you. Be careful what you do, for there is no injustice with the LORD our God, or partiality or taking bribes." (IIChron 19:6-7) [cp. Col. 3:23]

This would at least be a start toward implementing a system to ensure justice which God would be pleased with and which develops His character and the mind of Christ within us thereby. Hence we should remove the unfairness in decision-making and make it easier, quicker and more agile and even more responsive in delivering justice.

We have a window of opportunity to re-create a system that does not focus on the self but on the congregational communities that are meant to be served and deliver justice. To do this we need to follow a simple formula:

Policy guidelines and training for due process + correct process + neutral/independent court/panel reviewing the issue = right judgment (decision/outcome).

The decision may include making right the wrong which is a form of mercy as punishment could be harsher. The United Church of God's *Bible Commentary* states:

“...Under the New Testament dispensation, a Christian is not to kill or harm anyone (Romans 13:9-10) or seek vengeance in any manner (Matthew 5:38-39; Romans 12:19). This does not mean we must desist from righting a wrong, such as taking disciplinary action or requiring restitution.” (<https://www.ucg.org/bible-study-tools/bible-commentary/bible-commentary-deuteronomy-19>)

The lack of justice has been a major reason for the ongoing disintegration of the Churches of God. Here is what one bystander notes:

“One reason for all the many variant offshoots today is the unresolved grievances and lack of trust between people who had worked together for decades” (D. V. Barrett (2001), Chapter 17. “Case Study. Schism in a Sect. The Worldwide Church of God and its Offshoots,” in *The New Believers*, Cassell & Co, London, pp. 479-518).

As Herbert W Armstrong wrote:

“Understand this!

For nearly 6,000 years, humanity has been going in the **WAY OF** pride and vanity, selfishness and greed, a lack of outgoing concern for others -- the spirit of competition, opposition, strife, effort to acquire, and to exalt the self. Humans have been filled with self-gratification, jealousy, envy, resentment toward others, a spirit of rebellion against authority and hostility toward God and the Law of God.

The Christian must overcome these tendencies.

The Christian must develop the righteous **CHARACTER** to choose the right way, and resist the wrong -- to discipline the self in the way he ought to go, instead of the way of self-desire and vanity." (pp. 17-18, *Just What Do You Mean Conversion?* Worldwide Church of God, Pasadena, CA, 1972)⁵

After all, isn't that what authentic Christianity is all about?

But for the self-will unjust, be very careful:

"Whoever sows injustice will reap calamity, and the rod of his fury will fail." (Prov 22:8)

**"Can wicked rulers be allied with you, those who frame injustice by statute?
They band together against the life of the righteous and condemn the innocent to death." (Ps 94:20-21)**

⁵ John Locke, the famous British philosopher and Oxford academic made a similar statement: "By this breach of Trust they forfeit the Power, the People had put into their hands, for quite contrary ends, and it devolves to the People, who have a Right to resume their original Liberty".

Appendix: Extracts from *Justice and Compassion in Biblical Law* by R. H. Hiers

“Protections against Injustice and Mistreatment Several biblical laws require that officials and others involved in legal proceedings provide for the fair and equal protection of persons within the community. Related laws caution against perverting justice due to certain groups. Some specifically condemn certain types of oppressive or invidious treatment of disadvantaged and disabled persons.

1. Full, Fair, and Equal Justice in the Courts

Many biblical laws insist that those responsible for the administration of justice see to it that the relatively powerless or vulnerable groups within the community be accorded the same rights and protections as others. Such concerns continue to surface in contemporary jurisprudence for instance, in a recent article by George Fletcher.” (p. 175)

Categories of persons identified in biblical laws as protected classes include the poor, sojourners, orphans and widows. Lacking independent means of support, sojourners, orphans and widows necessarily would often be poor. The ceremonial invocation of blessings and curses immediately following the Deuteronomic Code names these three particular categories of persons. Cursed be he who perverts the justice due to the sojourner, the fatherless, and the widow.” And all the people shall say “Amen”. (Deut. 27:19). (p. 176)

“Clearly the interests of such persons were considered important to YHWH and to the community as a matter of justice, not only of charity. The Covenant Code warns against the failure to treat the poor fairly or accord them full justice: “You shall not pervert the justice due to your poor in his suit” (Exod. 23:6 RSV). Similar concern is to be found in Proverbs:

Do not rob the poor because he is poor,
Or crush the afflicted at the gate;
For YHWH will plead their cause,
And despoil of life those who despoil them. (Prov. 22:22-23 RSV)

Such texts imply that the poor were entitled to fair treatment as a matter of law, and that the poor therefore were entitled to certain *rights*. Equal justice for the poor, however, precludes partiality or preferential treatment by courts or judges: “Nor shall you be partial to a poor man in his suit” (Exod. 23:3 RSV).” (p. 177)

Appendix: Extract from *The Institutes of Biblical Law* (vol. 3) by R. J. Rushdoony

Chapter Seven

The Courts

1. Courts held at the city gates: [Deuteronomy 21:19; 22:15; 25:7](#).
2. Court of appeals: [Exodus 18:26](#).

A court is a place of settlement of disputes and punishment of offenses and crimes. The offenses, crimes, sins, and various transgressions are defined by the law of the land; law in turn is the moral expression of a religion. There is no neutral law; law by its very nature is against all violations and transgressions of the fundamental religious premises of the country. As a result, law-systems vary. There are major differences between the law-systems of various religions, e.g., Shintoism, Buddhism, Hinduism, humanism, Mohammedanism, etc., and Christianity. It is naive when not perverse for humanists to believe that their law-system is the one true structure, especially when they deny that an absolute truth exists.

The presuppositions of a culture determine its laws. If the God of Scripture be our starting point, then we have a very different system of laws than do the humanists. For the Christian, if he believes the Bible, God's law is the only definition of justice. For the humanist, man's developing awareness of his existentialist being, and the relative nature of all things, defines law for him, or tentatively so.

When the political order, its courts, and its schools, are controlled by humanists, the legal system with its structures will be logically and progressively anti-Christian. Christianity is then in fact a threat to the humanist society because it posits and requires a radically different law order.

Rome might have felt that Isis "worship," or Mithraism, were cults unworthy of Romans, but both were accepted because both had only superficial differences in their man-centered, "consumer-centered" character. Christianity, on the other hand, challenged the very premises of Roman civil government and society.

Where courts represent the will of the ruler, then the court becomes increasingly withdrawn from God and man. Courtrooms built in the 1980s in the U.S. increasingly limited the space available to the people, to as little as 24 persons in one instance. Neither the victim nor the public have as much place in the proceedings as the state itself, and the state's minions command most of the space now.

God's law is given to all the people, and therefore the court is held at the city gates where the proceedings in antiquity were most public. It was thus truly an *open court*. God's law, in a godly society, would be openly taught and would be known by all the people. The proceedings thus would reveal whether or not the civil authorities were faithful to God's law and not those of the king, or some other man. God Himself in Joel 3:12 speaks of a public judgment upon an ungodly people.

In antiquity, courts in many cultures were held at the gate of the city, or in front of the temple, and, later, at a large judgment hall. As power was concentrated in the hands of a ruler, the court was moved into his chambers or palace because it was *his* law and *his* court.

Our very word *court* reflects a strange history. *Court* comes from the Latin *cohors, cors*, which is akin to *hors, hort, hortus*, a garden, and it means an enclosed area. We can go a step further to point out that a *court* is thus a private area, not a public one as in the Biblical judgment place.

We can therefore say that the law and its courts have gone from being a totally God-centered and public matter to a private domain of a state and its professional class. Now both law and the courts are defined by the state and increasingly anti-Christian.

Curiously, at the same time the state has redefined religion, Christianity is being relegated to the private domain, and the state to the public. As a purely private concern, Christianity, it is held, cannot legitimately seek to influence the public domain. This in effect denies Christianity the right to exist. If it be no more than a purely private concern, it can no more seek to influence the public sphere than can a stamp collectors' club, even less so.

God's law is for all men and nations, and its jurisdiction is determined in all cases by God and His word. Because God is the Creator of heaven and earth and all things therein, nothing is outside or beyond His government. For anyone or any agency to seek to limit God's law, or to supplant it with their own, is to try to be God (Gen. 3:5) and to replace God. This is certainly a way of invoking God's judgment!

The *enclosure*, the modern court, now eliminates increasingly God above all else, and it thereby excludes *justice*. *Just* and *justice* are increasingly defined as conformity to *fact* or to *reason*. Justice Holmes objected to law as logic in favor of law as experience. The law as God's word of justice was not even considered by him. The law as the distillation of human experience is a very shallow thing. Modern legal positivism is strongly in agreement with the position of Thomas Hobbes, who in his *Leviathan* said,

To the care of the Sovereign, belongeth the making of Good Lawes. But what is a Good Law? By a Good Law, I mean not a Just Law: for no law can be unjust. The Law is made by the Sovereign Power, and all that is done by such Power, is warranted, and owned by everyone of the people; and that which every man will have so, no man can say is unjust. It is the Lawes of a Commonwealth, as in the Lawes of Gaming: whatsoever the Gamesters all agree on, is injustice to none of them. A good Law is that, which is Needful, for the Good of the People, and withall Perspicuous.¹

Rousseau was in the air long before his time. Despite his dissimilarities to Hobbes, both were in a common tradition. Hobbes, *first* of all, sees no law as unjust. This is an amazing statement, certainly for a man of his time. *Second*, a law is the will of the sovereign power, for him the king. *Third*, the people give assent to the law, but how in a kingdom of Hobbes' day could they veto it? *Fourth*, he uses the analogy of a gambling game, wherein all gamblers give assent to the rules. But at times to my knowledge gambling games have been crooked, and no one has objected because one man has a knife or a gun in his hand. Does this make the game honest? The modern state makes the law, and dissent is beyond the ability of most people.

When Pilate said to Jesus, "What is truth?" (John 18:38), he was probably not the first, and certainly not the last judge, to express contempt

or doubt concerning truth and justice.

From non-Christian courts, what else can we expect? And, given the fact of man's fallen nature, it is difficult enough to expect justice from "Christian" courts, but we have no other hope, and we must work patiently and faithfully to establish godly courts.

Because the court is God-ordained, it must represent God and His law, not man. Justice is God's concern, whereas fallen men seek their advantage. Redeemed men are sinful still, and they cannot be trusted to represent anything other than God and His law, and then cautiously and with checks and balances. Because man's basic desire and his original sin is to be his own god and to determine for himself what is good and evil, law and morality, man is dangerous when left to his own devices.

Courts are now a part of the state and its bureaucracy. In 1 Corinthians 6:1ff., the court St. Paul requires, in terms of God and His law, is made up of godly men, but it is neither an aspect of church or state but the representative of God's justice. In 1 Corinthians 6:9–10, St. Paul makes clear that the unrighteous or unjust, *the ungodly*, shall not inherit the Kingdom of God. How then can they administer God's justice? How can men who are unrighteous, fornicators, idolaters, adulterers, effeminate, homosexuals or sodomites, covetous men, drunkards, revilers, or extortioners, "inherit the kingdom of God"? Such men cannot administer justice because justice is only possible by means of God's law. To expect justice from the ungodly is to expect grapes from thorns (Matt. 7:16).

Geoffrey Norman has described the radical injustice common to U. S. administrative courts. The Environmental Protection Agency charges men but allows no defense, only a guilty plea. Norman reports on the case of an environmentalist, dedicated to cleaning up pollution, who was taken to court by an agency created by Vice-President Al Gore to "save" the environment. Men so charged, Biff Mithoffer said,

... don't have any of those rights. (The right of a criminal to face his accuser and to be judged by a jury of his peers.) PRPs (Potentially Responsible Parties) don't. Criminals get specific punishments. So many years in jail. A PRP's sentence lasts until the EPA

(Environmental Protection Agency) is tired of screwing with him, or figures there isn't any blood left.²

The more recently created the court, as of the 1990s, the further it is from God and justice. A return to justice will not come with a change of presidents and members of Congress but only with a return to the God of Scripture. We have abandoned God's Savior and God's law. As a result, we have been importing hell from eternity into time.

¹ Thomas Hobbes: *Leviathan* (London, England: J.M. Dent, Everyman Library; (1651) 1937), p. 185.

² Geoffrey Norman, "Superfund as Godzilla," in *The American Spectator*, Vol. 26, no. 11, November, 1993, pp. 38–43.

Chapter Eight

The Judges

1. Judges and their duty: Deuteronomy 16:18–20; 1:16; 19:15–19; 25:1–2.
2. The character of judges: Exodus 23:6–8; Leviticus 19:15; 24:22.
3. The Supreme Judge: Genesis 18:25.
4. The priests as interpreters of God’s law: Deuteronomy 21:5.

From Deuteronomy 21:5, we learn that priests had a part in the court as interpreters of God’s law. These men could be priests or Levites, according to Josephus.¹ Each judge, according to Josephus, had two Levites assigned to him to assist him by determining what law or laws of God applied to the case at hand. This did not mean rendering the decision of *guilty* or *innocent*, but establishing which law or laws of God applied to the case at hand, the nature of the penalty, and so on. The judges who heard all such cases governed the proceedings and rendered the decision, but the Levites expounded the relevant law.

This requirement is essentially tied to the law set forth in Deuteronomy 1:17:

Ye shall not respect persons in judgments; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God’s.

God is the Supreme Judge of all men and nations, and He requires all to obey His law. He has not relinquished His right to rule to any other, nor does He recognize as law any law other than His own. It is an offensive act to call the Lord *God* while denying His law.

No “respect of persons in judgment” (Deut. 1:17) does not mean impartiality because its premise is a partiality to God and His law, to justice, rather than to men. The law is totally against evil-doers, criminals, but their

guilt must be determined before sentence is passed. Until then, there must be a careful attention to evidence.

In Exodus 23:6–8, the judge is, *first*, forbidden to “tamper with a poor man’s rights in court,” in Moffatt’s rendering. *Second*, false charges are to be avoided, because innocent persons are greatly damaged thereby, even when acquitted. *Third*, innocent peoples must not be put to death, nor bad men acquitted. *Fourth*, bribes must never be accepted because they destroy the cases of good men, and they blind justice.

The judge must represent God, and the term *elohim*, gods, is even applied to judges because they function for God and His law, or should (Ps. 82:6). God required that judges be appointed in all the cities (Deut. 16:18), together with priests and Levites to work with them (Deut. 17:8ff; 19:8f.).

In Exodus 21:22, the judge seems to be given discretion with respect to the sentence. It is to be “as the judges determine,” but what it means is that the penalty must be in terms of the damages, and this is clearly stated in the following verses, Exodus 21:23–25.

God requires, as Leviticus 24:22 makes plain, “one manner of law, as well for the stranger, as for one of your own country: for I am the LORD your God.” Only under Biblical law is there equal justice. In other religions, the concept of justice is an alien one. When I was young, I heard a missionary tell of an experience in an East Asian country. One morning, one of the missionary’s very young sons was playing with other boys from local families. The boys picked up pebbles and tossed them at one peasant’s cow. Later that day, the cow died. It had long been ill and close to death. A village court found the missionary’s son guilty, but none of the native boys. The penalty was a new cow for the peasant. When the missionary protested, the villagers were both astonished that he did, and also angry. Had he no sense of justice, no knowledge of right and wrong? After all, he had two cows, and the peasant now had none.

Such concepts of justice are commonplace outside of Biblical faith. They have arisen rapidly in the Western world even as Christianity has receded. If the judge’s religion is man-centered, his idea of justice will be also. If the judge be man-centered, his decisions will seek to please men and not God.

If a judge represents church, state, or any other agency, he will be unjust and partial because he will represent an institution, however good, rather than God the Lord, the true lawgiver.

Judge Harold J. Rothwax has rightly observed, “We know from our history that we have to control government. The American Revolution arose from that belief.”² Judges too need to be “controlled,” but the basic control is self-control. If men do not believe in God’s justice and law, they are then not under the control of anything but their self-will, whether they be judges, pastors and priests, or laymen generally. The history of crime is the history of man’s self-will, his firm belief that life is best if “my will be done.”

¹ *Antiquities of the Jews*, Book IV, viii.

² Harold J. Rothwax, *Guilty: The Collapse of Criminal Justice* (New York, N.Y.: Random House, 1996), p. 32.

Chapter Nine

Appeals

1. The first appeals were to Moses: Deuteronomy 1:17; Exodus 18:26.
2. Later, they were to the priests: Deuteronomy 17:8–12; 19:17.

In later history, in Israel, appeals were to the king (2 Sam. 14:4–11; 1 Kings 3:16). Still later, in Christ's time, they were to the Sanhedrin.

The premise that undergirds and requires courts of appeal is man's sin and fallibility. If we assume that the best men are our judges, we must still take their status as men for granted, not all wise, not sinless, and not infallible.

In both church and state, this elementary premise is gone. Appellate courts are no longer concerned with reviewing the case in terms of its rightness or wrongness but only in terms of its procedural correctness. Churches that claim to be orthodox refuse to reconsider a case as to whether or not justice prevailed, but only to see if proper procedures are followed. This means the lowest court can commit flagrant injustice, and be sustained in it, provided the procedure is correct.

The review of appellate courts in church and state thus rests on a peculiar premise. *First*, by refusing to examine a case as to whether or not injustice prevailed, the courts of appeal assume the infallibility of the lowest court. *Second*, by accepting a case on appeal, they assume that a procedural mistake occurred! How can a decision be immune to appeal on the grounds of injustice and yet subject to retrial on procedural grounds? Often the procedural grounds involve trifles, nothing relating to justice.

Such a state of affairs is only possible when justice is no longer essential, and only "the dignity of the court" matters.

It is not at all surprising that this change from justice to procedure has coincided with the growth of the modern power state. It makes the modern

power state immune to the technical status of fallibility but preserves it intact in its arrogant autonomy.

The courts in this perverse state deny at the same time any higher law and the God who gave that law. They thereby deny that any law or morality exists above and over the state whereby the state can and must be judged. The rejection of God enables the state to play God.

Not surprisingly, the older system of local, county, state, and federal courts has steadily given way to bureaucratic courts. This does not mean that the older system, now radically humanistic, is good, simply that the new bureaucratic courts are more efficient in their tyranny.

The choice is always between God and tyranny, although sometimes, given man's tyranny, we get tyranny in the name of God and justice. When we get such an evil state, we have an obligation to work for justice by prayerfully working to restore all men and institutions to their rightful place under God and His Christ.

In Deuteronomy 17:8–12, it is important to note that, on appeal, priests and Levites are to take part in the proceedings as well as the judges. Because justice is a moral and religious fact, the presence of experts in God's law is a necessity. The meaning of an appeal is gone when justice is not a moral consideration.

Because of the Christian impact on the whole world, even Marxist nations have ostensible appellate courts. These, however, are unconcerned with justice and their function is a facade whereby the form is observed and the substance gutted.

In Luke 18:3, we read of a helpless widow's cry to a judge, "Avenge me of mine adversary." This is a cry resounding over the centuries in millions of voices. Even worse, churches which should uphold the sovereign and triune God and His law deny that law. By doing so, they have joined the unjust judge and are adversaries of Jesus Christ.

Chapter Ten

Witnesses and Evidence

1. The oath: Exodus 22:10–11; Leviticus 6:1–7.
2. Witnesses to criminal acts must testify to what they have seen: Leviticus 5:1.
3. In murder cases, two witnesses are required for conviction: Numbers 35:30; Deuteronomy 17:6–7; 19:15. This same requirement applies to all cases: Deuteronomy 19:15.
4. Collusion “with the wicked to be an unrighteous witness” is forbidden: Exodus 23:1.
5. The witness must back up his testimony by assisting in the execution: Deuteronomy 17:7.
6. Perjury is forbidden: Exodus 20:16; 23:1; Leviticus 19:12; Deuteronomy 5:20; 19:16–21.
7. The penalty for false witness is that the possible penalty for the accused becomes the penalty of the perjured witness: Deuteronomy 19:16–21.
8. The law of evidences is cited by Paul as a general premise of judgment: “In the mouth of two or three witnesses shall every word be established,” 2 Corinthians 13:1.

Justice cannot prevail without honest and conscientious witnesses, because the witnesses provide the evidence necessary for correct judgments by a court. In any society where perjury is not punished, justice soon disappears. At present, in the U. S. and elsewhere, perjury is rarely punished, and, as a result, justice is beginning to disappear.

The English word *witness* goes back to Old English and Gothic, to a root, *wit*, meaning to observe, or to know. In the Old English, it is *witnes*, knowledge, testimony, and the word is associated with an *oath*. Its legal connotation has a long history.

Judges hear a case, but it is the witnesses who in effect present the case with their testimony. Circumstantial evidence is a form of witness.

Biblical law states that witnesses have a moral and religious obligation to testify to what they know (Lev. 5:1). Community life requires all men to further justice by testifying to what they know or have seen. Community cannot exist unless men see it as their obligation to uphold justice even when it militates against them. In Deuteronomy 21:18–21, we have a law that requires the death penalty for habitual criminals. In such cases, the parents must testify against their son and give evidence to his lawless life as an habitual criminal offender. This is an unusual requirement because it requires the family of the incorrigible criminal to side with God’s law and not in favor of a family member. Justice, not blood, must govern their stand.

By analogy, we cannot allow race or nationality to blind us to justice. The “stranger” or alien must not be oppressed, legally or socially (Ex. 22:21; 23:9; Lev. 19:33; 25:35; Deut. 10:18–19). This is a law echoed by the psalms and the prophets and is a fundamental aspect of Biblical morality. Widows and orphans are similarly protected. The just society is thus both godly and neighborly.

This is clearly related to the laws of witness because we are not morally allowed to be selective in our witnessing, nor in our community life, nor in our justice. Hence the modern oath still echoes this requirement in calling for “the whole truth, and nothing but the truth.” We are not to be judges by our witnessing, but we thereby make possible true judgment.

The witness makes justice possible. This is an important fact because once again we see that it is not the people “at the top” who make possible a good society but the people at large. It is easy to rail at corrupt courts, but our problem is as often a corrupt people who will not testify to the truth.

I was young when I first saw a witness perjure himself for his own advantage. The unwillingness to witness to the truth is now commonplace. Men cannot complain of injustices when they are a party to it, as too many are today.

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