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## A Reply to Professor Michael J. Deboer

Herbert W. Titus

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# REPLY

## A MORE ROBUST VIEW OF THE BIBLE

*Herbert W. Titus*<sup>†</sup>

### I. INTRODUCTION

I appreciate Professor DeBoer's succinct and accurate summary of my lecture on the Bible and American law.<sup>1</sup> I also appreciate Professor DeBoer's concurrence with my foundational thesis—that the Bible “is relevant to law and civil government.”<sup>2</sup> But we part company as to how, and how much, the Bible informs the law administered by civil government. His view is rather anemic, limiting the influence of the Bible to having provided a written revelation of the “natural moral law” written on the hearts of all mankind whereby “civil rulers are able to understand good and evil, establish justice and order, promote the common good, and advance peace and tranquility.”<sup>3</sup> In so concluding, Professor DeBoer rejects my more robust view that the Bible is chock full of principles and directives governing the administration of law by civil authorities.

### II. CIVIL GOVERNMENT: FORCE NOT LOVE

Professor DeBoer is especially troubled by my central thesis that the Bible lays down legal principles limiting the role of civil governments in the enforcement of God's law. Rejecting my proposition that the Bible makes “jurisdiction the first of the first principles of civil government,”<sup>4</sup> Professor DeBoer would begin his analysis of the role of law in civil society “with those weightier matters of the law identified by Jesus, . . . including love . . . , justice . . . , mercy . . . , and good faith.”<sup>5</sup> Purportedly in reliance upon the Apostle Paul's teaching in *Romans* thirteen, Professor DeBoer would justify the enforcement of laws against “adultery, murder, theft, coveting, and all other

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1. Michael J. DeBoer, *Seek a Right View of the Bible—A Biblical and Theological Response to Herbert W. Titus and Some Lessons for Christian Law Students*, 2 LIBERTY U. L. REV. 339, 341-45, 347 (2008) [hereinafter DeBoer Response].

2. *Id.* at 395. See also *id.* at 345-46.

3. *Id.* at 396.

4. *Id.* at 399. See also *id.* at 353-56, 363-65, 378-95.

5. *Id.* at 399.

laws governing civil conduct [as] summed up in the commandment to love one's neighbor."<sup>6</sup>

According to this thesis, Professor DeBoer would presumably welcome the civil enactment and enforcement of laws against "lust,"<sup>7</sup> "hate,"<sup>8</sup> and "coveting."<sup>9</sup> Paul's teaching about the Ten Commandments in *Romans* thirteen, however, was to contrast the limited role of the law administered by the civil government to punish wrongdoers and to praise those who do good, with the individual believer's duty to reflect God's law in all aspects of his personal life.<sup>10</sup>

Even Professor DeBoer admits the importance of the jurisdictional question by his concession that "Calvin did not handle well the issue of civil government authority as to matters of religion and duties to God."<sup>11</sup> At the same time, he demonstrates a stark lack of awareness that by resting civil government upon the foundation of loving one's neighbor, civil rulers are thrust into the very heart of redemptive role of the church, as illustrated by Professor DeBoer's erroneous treatment of the parable of the Good Samaritan as a lesson governing one's civic duty, rather than one's duty before God, and further, in disregard of the fact that Jesus told the parable in answer to a lawyer's question: "What shall I do to inherit eternal life?"<sup>12</sup>

In his critique of the "jurisdictional" understanding of the Biblical teaching of the limited role of civil government, Professor DeBoer inexplicably omits any analysis of Christ's response to a question that was posed specifically about the "power and authority" of civil rulers: whether it was "lawful . . . to give tribute unto Caesar, or no?"<sup>13</sup> Indeed, according to Matthew's gospel, the

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6. *Id.* at 390.

7. See *Matthew* 5:27-28 "Ye have heard that it was said by them of old time, Thou shalt not commit adultery: But I say unto you, that whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart." All citations to scripture are from the Authorized Version (KJV) unless otherwise indicated.

8. See *Matthew* 5:21-22 "Ye have heard it was said by them of old time, Thou shalt not kill: and whosoever shall kill shall be in danger of judgment; but I say unto you, That whosoever is angry with his brother without a cause shall be in danger of the judgment . . ."

9. See *Luke* 12:13-15 "And one of the company said unto him, Master, speak to my brother, that he divide the inheritance with me. And he said unto him, Man, who made me a judge or a divider over you? And he said unto them, Take heed, and beware of covetousness: for a man's life consisteth not in the abundance of the things which he possesseth."

10. *C.f. Romans* 13:1-7 with *Romans* 13:8-14.

11. DeBoer Response, *supra* note 1, at 387. Professor DeBoer wrote, "Calvin did not handle well the issue of civil government authority as to matters of religion and duties to God."

12. See *Luke* 10:25.

13. See *Luke* 20:20-22 "And they watched him, and sent forth spies, which should feign themselves just men, that they might deliver him unto the power and authority of the governor.

question had been hatched by the Pharisees, and put to Jesus by “their disciples with the Herodians”<sup>14</sup> “so they might,” according to Luke’s gospel, “deliver him unto the power and authority of the governor.”<sup>15</sup> Jesus deftly unraveled the plot with his answer: “Render . . . unto Caesar the things which be Caesar’s, and unto God the things which be God’s.”<sup>16</sup> Christ’s answer was not, however, just an expedient way out of a political dilemma. Rather, it was a statement of legal principle affirming the general legitimacy of civil rule, while at the same time establishing jurisdictional limits to that rule.

Although Jesus did not set forth the criteria by which to apply His jurisdictional principle, the Apostle Paul did in Chapter thirteen of his letter to the *Romans*. Professor DeBoer appears, at first, to recognize Paul’s exposition on the role of civil government to punish evil conduct and commend good as the starting point of an examination of the question of civil government authority. But, he ultimately concludes that Paul discards the Bible as God’s law book for civil government, in favor of an amorphous hope in “the natural moral law” impressed upon the hearts of all mankind.<sup>17</sup> But what if a civil ruler rejects that law, as he is wont to do in light of the prophet Jeremiah’s observation that “[t]he heart is deceitful above all things, and desperately wicked: who can know it?”<sup>18</sup> What recourse does a person have if the power of the civil government is brought against him? According to Professor DeBoer’s understanding of Paul’s teaching, only an appeal to the “natural law.”

### III. THE BIBLE—NOT NATURAL LAW

Professor DeBoer’s contention that “natural law” is all that civil rulers need to “guide[] their understanding of what is good and evil, . . . their functions, and . . . their judgments regarding how to promote the good (especially the public good) and how to restrain evil”<sup>19</sup> is erroneous.

It does not square with the teaching of the early church. When ordered by the Jewish council “not to speak at all or teach in the name of Jesus,”<sup>20</sup> Peter and John were not directed by “natural law” in their response to the council’s threats of incarceration and physical punishment. Rather, they sought and

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And they asked him . . . : Is it lawful for us to give tribute to Caesar?”

14. See *Matthew* 22:15-16 “Then went the Pharisees, and took counsel how they might entangle him in his talk. And they sent out unto him their disciples with the Herodians . . . .”

15. See *Luke* 20:20.

16. See *Luke* 20:25.

17. See DeBoer Response, *supra* note 1, at 378-95

18. See *Jeremiah* 17:9.

19. DeBoer Response, *supra* note 1, at 388.

20. See *Acts* 4:18.

received instruction from the written, revealed word of God in the second *Psalm*, which established that the teaching of the gospel belonged to God, not to the civil ruler.<sup>21</sup> Ignoring this example of the application of Biblical law, Professor DeBoer cavalierly dismisses any such jurisdictional limitations as “nebulous and artificial categories,”<sup>22</sup> contrary to the overarching law of love.

Further, Professor DeBoer’s natural law view takes no account of the impact of the fall upon the human heart and mind, and the resultant role of the Holy Scriptures in civil society. In his *Commentaries*, Sir William Blackstone wrote that “the law of nature”—God’s revealed law in nature—is fixed as to time, universal as to place, and uniform as to person. And although originally fully accessible to all mankind through reason,<sup>23</sup> such is not the case after *Genesis* three:

And if our reason were always, as in our first ancestor before his transgression, clear and perfect, unclouded by prejudice, unruffled by passions, unimpaired by disease or intemperance, the task would be pleasant and easy; we should need no other guide but this. But every man now finds the contrary in his own experience; that his reason is corrupt, and his understanding full of ignorance and error.<sup>24</sup>

In response, Blackstone continued that Adam’s sin gave:

manifold occasion for the benign interposition of divine providence; which, in compassion to the frailty, the imperfection, and the blindness of human reason, hath been pleased at sundry times and in diverse manners, to discover and enforce its laws by an immediate and divine revelation. The doctrines thus delivered we call the revealed or divine law, and they are found only in the Holy Scriptures.<sup>25</sup>

And, in conclusion, Blackstone observed that:

[U]ndoubtedly the revealed law is (humanly speaking) of infinitely more authority than what we generally call the natural law. Because one is the law of nature, expressly declared so to be by God himself;

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21. See *Acts* 4:23-31.

22. DeBoer Response, *supra* note 1, at 391.

23. WILLIAM BLACKSTONE, 1 COMMENTARIES \*41.

24. *Id.*

25. *Id.* at \*41-42.

and the other is only what, by the assistance of human reason, we imagine to be that law.<sup>26</sup>

In contrast to Blackstone, Professor DeBoer appears quite content that the “moral law,” written by God “on human hearts,” and gleaned from the Bible, provides sufficient guidance to “civil governments.” To be sure, Professor DeBoer would encourage civil rulers to consult the New Testament, especially the moral teachings of Jesus, for guidance. But he dismisses Old Testament “civil or judicial” law as having “expired with the Jewish state,” no longer obligatory, “although the general equity of these civil laws may be of moral use.”<sup>27</sup>

Professor DeBoer’s view of Old Testament law is firmly based on the three “historic Protestant statements of faith,”<sup>28</sup> the *1562 Anglican Thirty-Nine Articles of Religion*,<sup>29</sup> the *1649 Westminster Confession of Faith*,<sup>30</sup> and the *Second London Baptist Confession of 1689*.<sup>31</sup> He cautions against any reading of the Old Testament that does not conform with these three statements.<sup>32</sup> Professor DeBoer is mistaken. One does not measure God’s Word by a statement of faith crafted by men no matter how learned. Rather, it should be the other way around. Do these statements measure up to the Bible?

The Anglican Articles statement that “the Civil precepts [of the Old Testament] ought of necessity to be received in any commonwealth” is not supported by any cited Bible passage. Both the Baptist and Westminster Confessions, however, rely upon Paul’s first epistle to the *Corinthians*,<sup>33</sup> applying the Old Testament rule that one not “muzzle an ox while treading out the corn”<sup>34</sup> in support of Paul’s claim of right to be paid for the preaching of the gospel.<sup>35</sup> While this reference would reinforce Professor DeBoer’s contention that the “general equity” of the Old Testament rule is being utilized to support Paul’s claim for compensation from those to whom he brought the gospel message, it provides absolutely no support for the proposition that the civil or judicial laws of Old Testament Israel “expired with the Jewish state, and no

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26. *Id.* at \*42.

27. DeBoer Response, *supra* note 1, at 377.

28. *Id.* at 373.

29. *1562 Anglican Thirty-Nine Articles of Religion* (art. VII).

30. *1649 Westminster Confession of Faith* (chap. XIX, ¶ IV).

31. *Second London Baptist Confession of 1689* (chap. 19, ¶ 4).

32. DeBoer Response, *supra* note 1, at 372-78.

33. 1 *Corinthians* 9:8-10.

34. *See Deuteronomy* 25:4.

35. *See also* 1 *Timothy* 5:18.

longer obliges.”<sup>36</sup> Indeed, the rule about not muzzling one’s ox, as stated in the Old Testament, is arguably a moral precept, not a civil or judicial law, there being no sanction prescribed for its violation.<sup>37</sup>

The *Westminster*, but not the *Second London Baptist*, Confession adds two other New Testament citations, neither of which supports the proposition that the civil or judicial law expired with the Jewish state.<sup>38</sup> The verses cited from the first epistle of Peter simply reiterate Paul’s teaching in *Romans* thirteen of the Christian’s duty to obey civil rulers who have been sent by God “for the punishment of evildoers, and for the praise of them that do well.”<sup>39</sup> It does not say anything about the applicability of Old Testament law to a civil society other than Israel. The verses cited from the *Gospel of Matthew*,<sup>40</sup> likewise, if taken seriously as an instruction about the continuing vitality of the Old Testament *lex talionis*, would mean the end to all civil punishment, because civil rulers would be forbidden from “resist[ing] evil,” and permitted only to “turn the other cheek,” in direct contradiction of *Romans* chapter thirteen, verses one through four.

In short, Professor DeBoer’s endorsement of the three Confessions for the proposition that the civil or judicial law of the Old Testament ceased to be obligatory upon the expiration of the Jewish state is not confirmed by the cited Scriptures. Nor do the cited Scriptures support Professor DeBoer’s claim that the Old Testament civil or judicial law is only of “moral use.” Rather, the scriptural evidence is to the contrary.

#### IV. ISRAEL: A LEGAL BLUEPRINT FOR THE NATIONS

In *Psalms* 147, the Psalmist states that God has revealed his “statutes and judgments unto Israel” and that “He hath not dealt so with any nation: and as for his judgments, they have not known them.”<sup>41</sup> Even prior to God’s handing down of the Ten Commandments and bringing Israel into the promised land, God led Moses to organize the people into a civil society. *Exodus* chapter eighteen informs us that the people sought out Moses to judge disputes that had arisen between them, and at the prompting of Moses’ father-in-law, Moses chose leaders of thousands, hundreds and tens: “And they judged the people at

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36. DeBoer Response, *supra* note 1, at 377.

37. Compare *Deuteronomy* 25:4 with *Exodus* 21:28-36; 22:1-4.

38. See 1 *Peter* 2:13-14; *Matthew* 5:17. See also DeBoer Response, *supra* note 1, at 374-77.

39. 1 *Peter* 2:14.

40. *Matthew* 5:17, 38-39.

41. *Psalms* 147:19-20.

all seasons: the hard causes they brought unto Moses, but every small matter they judged themselves.”<sup>42</sup>

And what were the matters brought before Moses and the lesser officials? As *Deuteronomy* records it, the people brought to them their “cumbrance[s], . . . burden[s], and . . . strife[s],” that is, their “troubles,” “needs,” and “causes” or “law suits”—civil matters, not religious or moral ones.<sup>43</sup> And civil matters that were governed by a universal law, not by a law peculiar to Israel. Thus, Moses instructed the “judges” to “judge righteously between every man and his brother, and the stranger that is with him,” showing no “respect [of] persons in judgment; but . . . hear[ing] the small as well as the great . . . for the judgment is God’s.”<sup>44</sup>

By what standard were the people judged? According to the book of *Exodus*, we are judged by “the statutes of God, and his laws,” revealed by God before Israel entered into its “holy” covenant with God,<sup>45</sup> as recorded later in *Exodus*,<sup>46</sup> and before God gave Israel the written Ten Commandments. By what rules was Israel governed before it entered into this holy covenant and the promised land? By the same rules that governed all other nations that preceded it. And by what rules were those nations governed? By the dominion rule and human life principle laid down by God in the Noahic covenant.<sup>47</sup> Professor DeBoer disputes both of these claims. First, he claims that man’s dominion authority, as restated in *Genesis* nine, verse one is not a command, but a blessing, and thus, cannot furnish the foundational purpose for the law of civil society.<sup>48</sup> Second, he claims that *Genesis* nine, verse six “at best,” only “remote[ly]” refers to “civil government.”<sup>49</sup>

#### A. *The Dominion Mandate.*

In response to Professor DeBoer’s first objection, Professor DeBoer’s faults my analysis for not pointing out that the Hebrew word, *radah*—translated as “have dominion” in *Genesis* one, verse twenty-one—does not reappear in *Genesis* nine, verse one, leaving only the “blessing” that comes from the exercise of dominion, and omitting any semblance of a command.<sup>50</sup> This is a

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42. *Exodus* 18:26.

43. *Deuteronomy* 1:12.

44. *Deuteronomy* 1:16-17.

45. *Exodus* 18:16.

46. *Exodus* 19.

47. See *Genesis* 9:1-7.

48. DeBoer Response, *supra* note 1, at 350-53.

49. *Id.* at 359.

50. *Id.* at 350-51.

remarkable claim.<sup>51</sup> True, God does not reiterate the overarching dominion mandate, but it is implicit in God's having for the first time delivered animals, fish and fowl into man's hands for food, and having placed in each of these three categories of creatures the fear of man.<sup>52</sup> No doubt both of these divine actions were prompted by God's mercy in light of the fall. But it was hardly a repeal of God's command to subjugate or rule over the animals, fish and fowl, now that man was permitted to eat them, except for the blood.<sup>53</sup>

Not surprisingly, some of the first rules revealed by God after the Ten Commandments are laws governing man's dominion over animals.<sup>54</sup> Equally unsurprisingly, this initial set of rules also contained standards governing man's dominion over real and personal property.<sup>55</sup> Later, as God prepared the nation to enter into the Promised Land, God restored the nation's families to land ownership, returning them to freehold status that they had lost by the Pharaoh's enslavement of the people in Egypt, laying down the rules of inheritance and transfer of title.<sup>56</sup> Sandwiched in between was God's further revelation regarding *Genesis* chapter nine, verse six,<sup>57</sup> including a prescription of the elements of the offense of murder and manslaughter—the former being the only one of the two deserving of the death penalty—and the procedure by which the death penalty was to be administered.<sup>58</sup>

### *B. The Noahic Covenant.*

While civil enforcement of the law protecting the sanctity of human life originated with the Noahic family of "nations," God revealed that law of *Genesis* chapter nine, verse six in greater detail to Israel, having not dealt so with any other nation.<sup>59</sup> According to Professor DeBoer, however, the *Genesis* account of the birth of nations relates only to "people groups," not civil

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51. Even more remarkable is Professor DeBoer's claim that the fall so impaired man's ability to exercise dominion that, if he does not carry it out, he will only miss out on God's blessing, not fail to perform an obligation—a view that is directly contradicted by Paul's teaching that "if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel." 1 *Timothy* 5:8 (emphasis added).

52. *Genesis* 9:2-3.

53. *See Genesis* 9:4.

54. *See Exodus* 21:28-36; 22:1-4.

55. *See Exodus* 22:5-15.

56. *See Numbers* 33:50-54; 34:1-19; and 36:1-13.

57. "Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man." *Genesis* 9:6.

58. *See Numbers* 35:1-25, 30-31.

59. *See Psalm* 147:19-20.

government.<sup>60</sup> Parsing the Hebrew word *goyim*, Professor DeBoer insists that *Genesis* chapter nine, verse six offers no support for my thesis that the Old Testament has revealed the law that governs all civil societies. Instead, Professor DeBoer contends that the references to “nations” in *Genesis* chapters nine through eleven refer to “racial” or “linguistic” or “cultural” distinctions, not “political” ones, and lays the groundwork solely for the Abrahamic covenant that culminates in the new covenant when peoples from all nations will be saved through the new covenant in Jesus Christ.<sup>61</sup> As central as this salvific theme is in the Bible, it is no proof that the Noahic covenant is not also of political significance.

First, and foremost, the Noahic covenant, authorizes the death penalty be administered “at the hand of man.”<sup>62</sup> Second, it commands that the death penalty be administered “by man” upon the one who “sheddeh” another man’s blood.<sup>63</sup> Thus, *Genesis* chapter nine, verses five and six both sanctions and mandates the use of force by man against his fellow man who kills another human being. When read in conjunction with *Genesis* chapter four, verse fifteen, *Genesis* chapter nine, verses five and six requires the creation of a human authority that did not exist before the flood. And when read in conjunction with *Genesis* chapter four, verse twenty-four, that authority cannot be a self-appointed vigilante, like Lamech who perverted God’s “mark” on Cain to justify his taking the life of a fellow human who “wound[ed] him.”<sup>64</sup> There must be someone raised up with the authority to rule his fellow human beings.

Although *Genesis* does not give a detailed account of how nations and their rulers were raised up (in contrast with the *Exodus* account of the raising up of Israel), nonetheless *Genesis* accounts for a number of nations and rulers that came before Israel. *Genesis* chapter twelve, verses fourteen through twenty

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60. DeBoer Response, *supra* note 1, at 359.

61. *Id.* at 362.

62. *Genesis* 9:5.

63. *Genesis* 9:6.

64. *Genesis* 4:23. Interestingly, Professor DeBoer states that “before the death penalty was expressly authorized in *Genesis* 9:6, those who killed other human beings lived in fear of their lives being taken for their conduct. DeBoer Response, *supra* note 1, at 359. In an explanatory footnote, Professor DeBoer states further that “Cain’s building of a city may provide one early, yet rudimentary example of civil society” before the Noahic covenant.” DeBoer Response, *supra* note 1, at 359 n. 115. Not only is this purely speculative, but any claim of right by any human being to impose the death penalty for taking the life of another human being—if made before the Noahic covenant—would have been a blatant violation of God’s “mark” on Cain—that if anyone would take Cain’s life for having murdered his brother Abel, would be avenged by God sevenfold. See *Genesis* 4:15.

introduces the ones raised up in Egypt to rule—the Pharaoh and his princes. *Genesis* fourteen follows up with an introduction to the “kings” of several independent nations, including the kings of Sodom and Gomorrah whose lawless rule<sup>65</sup> comes to an abrupt end in *Genesis* nineteen. Then, in *Genesis* twenty-five, we learn of the twelve “princes” of Ishmael “according to their nations.”<sup>66</sup> In the same chapter, we learn of “two nations” in Rebekah’s womb.<sup>67</sup> The nation of the first born, Esau, known as Edom, is raised up first, and, in *Genesis* thirty-six, we are introduced to its “dukes” and “kings.” And, then, in *Genesis* thirty-nine, we are reintroduced to Egypt and its Pharaoh which ultimately leads to Moses who takes the law into his own hands and kills an Egyptian for having smitten a fellow Hebrew.<sup>68</sup> Then, in an attempt to bring justice to a dispute between two fighting Hebrews, one having wronged the other, the wrongdoer asked Moses: “Who made thee a prince and a judge over us?”<sup>69</sup> A question of jurisdiction! Even though Moses had been raised in Pharaoh’s household, Moses clearly knew that he had no authority to adjudicate the matter.<sup>70</sup> So he fled to the desert.<sup>71</sup>

### C. *The Mosaic Covenant.*

Forty years later God raised Moses up as Israel’s judge and, as pointed out above, the people voluntarily brought their civil matters submitting them to the jurisdiction of Moses, and later to Moses and to Moses’ appointed leaders of thousands, hundreds, and tens.<sup>72</sup> This system of civil jurisdiction continued until the elders of Israel rose up to complain that Samuel’s sons, appointed by their father to be judges, “took bribes and perverted judgment.”<sup>73</sup> The elders, then, asked Samuel to “make us a king to judge us like all the nations.”<sup>74</sup> Even though Samuel warned them that such a king would rule tyrannically over them, the elders insisted on such a king “that we may be like all the nations; and that our king may judge us . . . .”<sup>75</sup>

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65. See 2 Peter 2:6 and Jude 7.

66. *Genesis* 25:16.

67. *Genesis* 25:23.

68. *Exodus* 2:11-12.

69. *Exodus* 2:13-14.

70. See *Exodus* 2:11-15.

71. *Exodus* 2:15. See also *Acts* 7:29-30.

72. See *Exodus* 18:15, 26.

73. 1 *Samuel* 8:1-3.

74. 1 *Samuel* 8:5.

75. 1 *Samuel* 8:20.

Did this turn of events come as a surprise to Samuel? If it did, it should not have, for in the seventeenth chapter of *Deuteronomy*, Moses had prophesied:

When thou art come unto the land which the Lord thy God giveth thee, and shalt possess it, and shalt dwell therein, and shalt say, I will set a king over me, like as all the nations that are about me . . . .<sup>76</sup>

But Moses had also prophesied that God would not countenance the appointment of such a lawless ruler. Rather, God would give them a king under the book of the law “to keep all the words of this law and these statutes, and do them.”<sup>77</sup> Thus, in accord with this prophetic word, when Saul—chosen by God to be king—was received by the people as their king, Samuel “told the people the manner of the kingdom, and wrote it in a book, and laid it up before the Lord.”<sup>78</sup>

Three years later King Saul broke the law of that covenant when, in the midst of a battle with the Philistines, he offered sacrifices to the Lord, a duty assigned by God’s law not to Saul, the king, but to the priest, Samuel.<sup>79</sup> As a consequence of his action encroaching upon the jurisdiction of the priest, Saul lost the kingdom to David.<sup>80</sup> After the kingdom was divided, King Jehoshaphat instituted a program of judicial reform, charging Judah’s judges to respect the law distinguishing between “all matters of the Lord” and “all the king’s matters,” the former being under the jurisdiction of the chief priest and the latter under the authority of the king.<sup>81</sup>

#### D. *The Holy Covenant.*

Does this mean, then, that every jot and title of the Old Testament law governing the Israeli polity is binding on every nation? No. Jesus did not say render unto Caesar the things that be Israel’s. After all, Israel was not just one nation among the family of nations, but it had been established by God as a “holy nation,”<sup>82</sup> set apart to demonstrate to all the other nations the redemptive order of God—that the wages of sin, even those that are not punishable by civil authorities, is death. Thus, Israel was endowed with the power to impose the

76. *Deuteronomy* 17:14.

77. *Deuteronomy* 17:18-19.

78. *1 Samuel* 10:25.

79. *See 1 Samuel* 13:1-13.

80. *See 1 Samuel* 13:14 and 16:1, 13. Similarly, Uzziah lost his kingship in Judah when he offered up sacrifices to the Lord, contrary to the law separating the jurisdiction of the church from that of the state. *See 2 Chronicles* 26:16-23.

81. *See 2 Chronicles* 19:4-11.

82. *Exodus* 19:6.

death penalty for a variety of offenses, including Sabbath breaking, that were not encompassed by the death penalty authority conferred upon the nations by way of the Noahic covenant. In this way, the expanded law of the death penalty administered by Israel for such offenses as adultery, sodomy, and bestiality served the ultimate purpose of the law—a “schoolmaster to lead us to Christ.”<sup>83</sup> Once Christ came, however, the redemptive purpose of Israel had run its course as a forerunner of the church, just as John the Baptist’s ministry came to an end with the advent of Christ’s.<sup>84</sup>

This point is reflected in two major events occurring in the course of Christ’s ministry. In *Luke*, it is recorded that, invoking the precedent of Elijah’s having called down fire from heaven to consume the Israelite king’s soldiers who had been commanded to arrest him for having chastised the king for blasphemy,<sup>85</sup> James and John—the sons of thunder<sup>86</sup>—called on Jesus to “command fire to come down from heaven” on a Samaritan village which had rejected Christ’s ministry.<sup>87</sup> Jesus rebuked them, saying: “Ye know not what manner of spirit ye are of. For the Son of man has not come to destroy men’s lives, but to save them.”<sup>88</sup>

And in the gospel of *John*,<sup>89</sup> Jesus chastised the Jewish rulers who had brought a woman caught in adultery, calling up Jesus to join them in imposing upon her the death penalty, in conformity with the requirements laid out in the book of *Leviticus*.<sup>90</sup> But Jesus declined, asserting first that, unless the leaders were without sin, they had no jurisdiction to put her to death, and then declining himself to “condemn her,” even though He—being without sin, and therefore, qualified to so punish her.<sup>91</sup>

Even though Israel’s role as a “kingdom of priests, a holy nation” was, with the advent of Christ, now to be undertaken by the church, it was not to be enforced civilly, but rather by a witness of changed and empowered lives.<sup>92</sup> At the same time, the church did not displace the witness of the laws of Israel, insofar as those laws applied to Israel as a nation among the family of nations. After all, Jesus had not come as head of state, but as the head of the church. Therefore, He had declined to act as a civil magistrate in response to the man

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83. *Galatians* 3:24.

84. See *Galatians* 3:10-24.

85. See *2 Kings* 1:1-12.

86. See *Mark* 3:17.

87. See *Luke* 9:54.

88. *Luke* 9: 55-56.

89. *John* 8:1-11.

90. *Leviticus* 20:10.

91. See *John* 8:7, 10-11.

92. See *1 Peter* 2:9-10; *Acts* 1:8.

who asked Him to adjudicate a property dispute between the man and his brother over their father's estate, saying: "Man, who made me a judge or a divider over you?"<sup>93</sup> Rather, He ministered to the man's covetous heart, encouraging him to lay up treasures in heaven, rather than seeking "treasure for himself."<sup>94</sup>

#### V. CONCLUSION

Professor DeBoer would reject these bedrock civil jurisdictional teachings of the Bible—reflected both in the rich history and legal tapestry of Old Testament Israel and in the New Testament teachings of Christ, letters of His apostles, and acts of His disciples—in favor of an amorphous appeal to the "natural law" as revealed in the hearts of mankind, and more fully revealed in the "moral law" of the Bible. As Christian lawyers, we have more to offer than that.

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93. *Luke* 12:13-14.

94. *Luke* 12:15-21.

