

Fourth, in Hebrew law we find that difficult cases were referred to judicial experts. We read, also, in Deuteronomy 17:18,19

If any case is too difficult for you to decide, between one kind of homicide or another, between one kind of lawsuit or another, and between one kind of assault or another, being cases of dispute in your courts, then you shall arise and go up to the place which the Lord your God chooses. So you shall come to the Levitical priest or the judge who is in office in those days, and you shall inquire of them, and they will declare to you the verdict in the case.

A weakness in our Canadian system is that jurors sometimes do not understand the law well enough to apply the law to the facts at hand, and we arrive from time to time with hung juries which necessitates either a new trial or dropping of the charges. But under Mosaic law the referral to a judicial priest who understood the entire legal distinction between kinds of homicide assault, lawsuits, and so on, necessitated a verdict of guilty or not guilty. Under Mosaic law, presentation to the judge was to take place in a new location to avoid local prejudices. Fifth, under Mosaic law, once a verdict was returned—that is, a verdict of guilty—then the death penalty was mandatory. In Leviticus 27:29 we read:

No prescribed person who may have been set apart among men shall be ransomed; he shall surely be put to death.

In the event that there was a murder of passion and the capital sentence was not to apply, in the testament under Hebrew law there were provided cities of refuge, and a person who was found to have certainly killed, but not on the basis of premeditated or paid murder, was then able to live in the cities of refuge and be free from the wrath of other people. But in our Canadian system, even though the jury and the due process of law have found a person to be guilty of murder, we have cabinet commutation and the whole area of reprieve. So it is very clear that the Hebrew law was much more thorough and, I believe, much more accurate and certainly contained a greater sense of justice and thoroughness than our Canadian law. Perhaps we ought to return to the principles and safeguards that were known and practiced under Mosaic law. Under Mosaic law there were 18 crimes which were punishable by death. I might very quickly go over them. They are as follows: 1, Murder; 2, Accidentally causing death of a pregnant woman or her baby; 3, Killing of a person by a dangerous animal that had killed before, yet was not caged. Both the animal and owner in that case were to be executed; 4, Kidnapping; 5, Rape; 6, Fornication; 7, Adultery; 8, Incest; 9, Homosexuality; 10, Sexual intercourse with animal; 11, Striking a parent; 12, Cursing a parent; 13, Rebelling against a parent; 14, Sorcery, witchcraft; 15, Cursing God; 16, Attempting to lead people to worship other gods; 17, Avenging a death despite acquittal by law. That is the killing of someone who was living in a city of refuge. Then 18, False testimony in murder trial.

Now the question would arise, having established some kind of explanation concerning the nature and characteristics of Hebrew law, are we under the Mosaic law? Notwithstanding the argument put forward by the dispensationalists, and notwithstanding the freedom we now have in Christ, it nevertheless must be recognized that we are in fact, under the New Testament, freed from all aspects of the Hebrew law except murder, because although murder was part of Hebrew law, it predates Hebrew law. It

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remains part of the Decalogue which is applicable to individuals and not to the functions and duties of the state.

The problem seems to emerge, in this matter, in discussing the New Testament doctrine: Did Christ replace, that is, fulfil, the law, hence freeing us from the law of Moses unto the law of love or grace? Yes, but Christ did not destroy nor contradict the Mosaic law. As a matter of fact, Christ had come to fulfil the law and not one dot of the law would be changed. The Ten Commandments apply to individual action and responsibility. The responsibility of the state regarding murder predates Hebrew law and, as I have said, is not part of that Hebrew law that was fulfilled by Christ. It remains within the jurisdiction of civil government and not the individual.

Christ replaced, not the role and duties of government but, rather, became the personal or individual mediator or Saviour between the individual man and his god. The functions and responsibilities of government remain. Romans 13 refers to the duties of the government as opposed to the responsibilities of the individual. There is not an inconsistency between the Old and New Testaments in relation to capital punishment. Of all early Christians, Paul surely had the deepest and truest insight into the essential nature of the Christian message. The inspiration of his writings is recognized, for example, by the Apostle Peter in I Peter, chapter 3, verse 16. In Romans 12, we find Paul writing:

Be kindly affectioned one to another in brotherly love . . . bless them that persecute you . . . recompense to no man evil for evil . . . overcome evil with good.

But then, again, in the very next chapter, Romans 13, we find Paul saying:

Let every soul be subject unto the higher powers—

That is, the government.

—it is there by God's appointment. So those who refuse to obey the laws of the land are refusing to obey God, and punishment will follow. For civil authorities do not frighten those who are doing right, but those who are doing wrong. The government is the agent of God for your good. But, if you do evil, you should be afraid. For the civil authority does not bear and wear the sword for nothing. It is God's agent to execute His punishment and vengeance on the wrongdoer.

So, in Romans 12, the Bible speaks of love, blessing and forgiveness; and in Romans 13, of punishment, vengeance, and capital execution with the sword of government. How are the two sets of principles reconciled? Simply by recognizing that the first set applies to our personal, individual, relationships; that is, in the Decalogue the sixth commandment admonishes us not to kill, and this applies to the individual and not to the duties and responsibilities of the government. The second set applies to the relationships of the civil governments and its citizens. Individually, Christians are required to forgive those who trespass against them. Civically, the government is the agent of God to administer justice among its people. Its first essential duty, as such, is to administer the divine decree concerning the capital punishment of murderers. Originally this was written as early as in the ninth chapter of the Bible, the Genesis, and it is reaffirmed throughout the Bible in both the Old and the New Testaments.