

The Judicial Law and General Equity

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[0:00] Well, it's been a few weeks, but we are returning to our study of the law of God. And last time we considered how the ceremonial law, God gave us all of the sacrifices, the purity regulations, the feast days, and other ordinances within that ceremonial law that were temporary, and they pointed forward to Christ who would ultimately fulfill the law. And all of those sacrifices under the Old Covenant, they gave way to the once-for-all sacrifice, the priesthood gave way to the great high priest, in short, all of those types and shadows gave way to the substance. But as we know, that still leaves a large portion of the law to consider. What about all of the laws regarding judges, and witnesses, and property, and restitution, and wages, and criminal penalties, and so on? What about all of those laws that governed the civil order of Israel in the Old Testament? Were those laws fulfilled by Christ? If not, what do we do with them now? Well, chapter 19 of the 1689 Baptist Confession addresses this very issue in paragraph 4, and I'll read it now. It says,

To Israel, he, that is God, also gave various judicial laws which ceased at the same time their nation ended. These laws no longer obligate anyone as part of that institution. Only their general principles of justice continue to have moral value. Now, if you will, turn with me to Deuteronomy chapter 4. That's Deuteronomy chapter 4. By this point in the biblical timeline, the first generation of Israel, since their exodus from Egypt, has largely died out, and Moses is preparing the next generation to cross the Jordan, enter Canaan, and live there as God's covenant nation. And I want us to notice what Moses says beginning in verse 5.

See, I have taught you statutes and rules as the Lord my God commanded me, that you should do them in the land that you are entering to take possession of it. Keep them and do them, for that will be your wisdom and your understanding in the sight of the peoples who, when they hear all these statutes, will say, surely this great nation is a wise and understanding people. For what great nation is there that has a God so near to it as the Lord our God is to us whenever we call upon him? And what great nation is there that has statutes and rules so righteous as all this law that I set before you today? Now, there's a phrase in verse 5 that I think is key to understanding the civil or judicial law in Israel. Again, Moses says, I have taught you statutes and rules that you should do them in the land that you are entering to take possession of. In the land. And that is language that appears repeatedly throughout, namely, Deuteronomy. Much of God's law given to Israel during this time was not intended to be universal rules for every single individual on the planet to follow precisely as they were given for all time. Rather, God is ordering the life of a specific nation that will occupy a specific territory. You'll also notice here in Deuteronomy 4 that God intends the justice of Israel's laws to be visible to other nations. Again, verse 8, what great nation is there that has statutes and rules so righteous as all this law that I set before you today?

[4:08] Obviously, God's moral law alone set Israel apart from the other nations. But that contrast between Israel and the surrounding Gentile nations was made even clearer once the ceremonial and the judicial aspects of the law were given. With the ceremonial law, the Gentiles could see how the Israelites worshipped, which was considerably different than the way they worshipped. And with God's civil laws, the Gentiles could see how every aspect of their lives was different. The Israelites' entire society was designed to honor God and keep the Ten Commandments. So, God is very intentionally forming a distinct people in a distinct place in this world at a distinct, foreordained time in history to be, as the text says, a great and righteous nation. And not only that, but He's entering into a covenant with these people. So, it's not as though God is conducting an odd little experiment in this part of the world just to, you know, see what happens. Years ago, I remember reading about New Harmony,

Indiana in the 19th century where a man by the name of Robert Owen attempted to turn the town into a socialist utopia. He had this ideal in his head that he thought he could prove to be a workable

concept.

Long story short, it failed miserably. But that's not what's happening in Israel. This is God, our Creator, bringing light into a dark and sinful world through the nation of Israel.

And the contrast He is creating between Israel and all other nations is not some wild experiment just to see what happens. He is structuring the entire society around Himself and around His will and His character, namely the Ten Commandments. And even more than that, He's entering into a covenant with them.

So, this entire legal order that He sets before them belongs to their unique covenantal calling as His special people. Listen to what Moses says in Deuteronomy 7.6, For you are a people holy to the Lord your God. The Lord your God has chosen you to be a people for His treasured possession out of all the peoples who are on the face of the earth. So, clearly, Israel is not merely one ancient nation among many. God redeemed them from Egypt. He entered into a covenant with them. He gave them land. He established their worship, appointed all of their institutions, and He declared Himself to be their covenant Lord. And this becomes even clearer as we continue reading through Deuteronomy. In chapter 16, verses 18 and 19, we're told, You shall appoint judges and officers in all your towns that the Lord your God has given you, according to your tribes, and they shall judge the people with righteous judgment.

[7 : 28] 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.

Now, obviously, that law is not related to the moral law explicitly. It's not a regulation regarding their worship either. So, what is it? Well, it's a law regarding their civil government.

In chapter 17, the Lord provides for difficult cases and how they can be appealed to a central tribunal. In chapter 19, He regulates the cities of refuge and homicide and property boundaries and witnesses and other legal evidence. In chapters 21 through 25, He addresses everything from inheritances to marriage to wages to livestock to criminal penalties. So, God is ordering not just their worship, but everything within this covenant community. So, we have the moral law, we have the ceremonial law, and we also see that we have a judicial or civil law for Israel. Now, to be clear, when we make these distinctions, we're not suggesting that Moses arranged all of these laws under nice, neat headings marked moral, ceremonial, and judicial. And yet, we clearly have these three categories within the law. Even the book of Deuteronomy, as we've talked about in a previous lesson, distinguishes the

Ten Commandments or the Ten Words from all of the other statutes and laws that Moses was commanded to teach Israel. But the thing to remember about God's judicial law is that these laws were given to a particular covenant nation for its life at a particular time in a particular place, namely the land of Canaan.

Now, as we move forward in redemptive history, of course, Christ comes, and the new covenant is established in His blood. Hebrews 8.13 says that by speaking of a new covenant, God makes the first one obsolete. And among the changes we see, perhaps the most relevant for our purpose today, is that the church that Christ builds does not receive a strip of land between the Mediterranean Sea and the Jordan River or anywhere else in the world. Instead, what happens? Jesus sends His disciples to make disciples of all nations. Jews and Gentiles, are brought together, according to Ephesians 2, are brought together, according to Ephesians 2, into one new humanity. Peter can even take the old covenant language of Exodus 19 and say to Christians scattered throughout the Roman world, you are a chosen race, a royal priesthood, a holy nation. So suddenly, God's holy nation ceases to be a geopolitical state. So then, Christians in Rome, they do not establish their own political identity or their own nation state, but they remain under the authority of the Roman government.

[11 : 00] Christians in Corinth continue to be citizens of Corinth. Christians in Ephesus, they remain citizens of Asia Minor. The church is not suddenly drawing borders around themselves or establishing armies or appointing judges or even administering Israel's civil penalties. We see none of that in the New Testament church.

In fact, the New Testament recognizes secular civil governments or governments outside of the church as distinct institutions to which Christians should be subject. Read Romans 13, let every person be subject to the governing authorities, for there is no authority except from God, and those that exist have been instituted by God.

So, under the new covenant, God is not building up His church to become a nation state. Now, He still ordains governing authorities to promote good and punish evil, but those institutions, those authorities are being established outside of the church, not by the church and not within the church. And really, nowhere do we see Christ or the apostles tell the Roman or the civil rulers that they must institute the Mosaic judicial system, just as it was in the Old Testament.

Instead, what we see them doing is telling the church to simply obey the civil authorities. Paul said it, and in 1 Peter 2, Peter writes, Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme or to governors as sent by him to punish those who do evil and to praise those who do good, for this is the will of God.

[12:48] Now, on several occasions, Paul does speak of the church as true Israel. But at the same time, he distinguishes the old covenant nation state of Israel and the new covenant spiritual Israel, that is, the church.

The church, for instance, is not made up of ethnic Hebrews or Jews. We are not all descendants of Abraham, that is. And we're not organized as a nation as they were.

We're a peculiar people, as the King James Version says, who live within the nations all over this earth. And never are we told that we should come together in one location or that we should form a civil government or a nation state.

And let me just say a brief word on the modern state of Israel. Setting aside whatever disagreements Christians may have about prophecy or God's future purpose for the Jewish people, the modern state of Israel is not the old covenant polity established at Sinai.

And that becomes pretty clear when you realize that they are not operating under the Mosaic Covenant with its Levitical priesthood or its tribal land allotments or the tabernacle system or its divinely imposed civil constitution.

[14:15] It may go by the same name. It may be in the same location. But it's not old covenant Israel. Again, Hebrews says, this is chapter 8, starting at verse 6, and I'll read the fuller passage.

But as it is, Christ has obtained a ministry that is as much more excellent than the old as the covenant he mediates is better, since it is enacted on better promises.

For if that first covenant had been faultless, there would have been no occasion to look for a second. For he finds fault with them when he says, Behold, the days are coming, declares the Lord, when I will establish a new covenant with the house of Israel, and with the house of Judah, not like the covenant that I made with their fathers on the day when I took them by the hand to bring them out of the land of Egypt.

For they did not continue in my covenant, and so I showed no concern for them, declares the Lord. For this is the covenant that I will make with the house of Israel after those days, declares the Lord. I will put my laws into their minds and write them on their hearts, and I will be their God, and they shall be my people. And they shall not teach each one his neighbor and each one his brother, saying, Know the Lord, for they shall all know me from the least of them to the greatest.

[15:38] For I will be merciful toward their iniquities, and I will remember their sins no more. In speaking of a new covenant, he makes the first one obsolete, and what is becoming obsolete and growing old is ready to vanish away.

So whatever Israel is now, it's not what Israel was then. And it's very instructive that Hebrews indicates that under this new covenant, true Israel will not rely solely on external laws, which obviously they failed to keep.

Instead, the Lord says, I will put my laws into their minds and write them on their hearts. So true Israel continues to be a distinct people under the new covenant, but not an ethnic people.

And they're not a people who belong to the same geopolitical state, who share the same governing authorities or the same civil laws. We're still under God's authority, of course, and we're still obligated to obey his moral laws, which we're going to talk about even more in a future lesson. But again, the first covenant is obsolete. And this is true for the church as well as for the modern state of Israel. And that's really what the confession means when it says that the judicial laws ceased at the same time their nation ended.

[17:06] God gave those civil or judicial laws because they were, in fact, a nation state. But once they ceased to be a nation, those laws were no longer necessary.

However, and this is important, this does not mean that God changed his mind about justice. It simply means that the particular covenantal institution for which those laws were framed no longer

exists.

As we considered last time, the ceremonial law ceased because its shadows were fulfilled in Christ, and the judicial law ceased as a national code because the old covenant political order to which they belonged had passed away.

So, while these laws no longer obligate anyone as part of that institution, as the confession says, their general principles of justice continue to have moral value.

Now, the original wording of the confession didn't use the term general principles. Instead, it used the term general equity. And I just point this out because when you start reading older church fathers, they will often use that term general equity, so now you'll know what they meant.

[18:32] So, we're no longer obligated to follow the judicial law explicitly, but the judicial law still has moral value.

Well, what does that mean? And how do we know that? Now, before we look at any specific passage of Scripture, it stands to reason that God's law, His judicial law even, would have moral value because it comes from God.

God is righteous. He is holy. He is unchanging. He cannot violate His own nature. He cannot lie.

So, even if He issues a law in a form that is not universal for all people in all times, that law must still remain within the bounds of His righteous moral character.

So, even if the form of the law changes, there is still a moral foundation rooted in God's nature that we can learn from. And let me give you some examples of this.

So, if you want, turn to 1 Corinthians chapter 9. In 1 Corinthians, Paul is discussing Christian liberty.

[19:55] In chapter 8, he argued that believers sometimes surrender legitimate rights that we have for the good of others. And then in chapter 9, he uses himself as an example.

As an apostle, as a minister of the gospel, he has the right to receive material support from the church, even if he chooses not to accept it.

And this is what he says, starting at verse 7. Who serves as a soldier at his own expense? Who plants a vineyard without eating any of its fruit? Or who tends a flock without getting some of the milk?

And I think these examples are all pretty straightforward. For instance, no one would expect a soldier to go out and fight for the sake of an entire nation and yet have to buy his own bullets.

Or if you're a farmer and you work hard all year to produce a crop, who in the world would suggest that you're not allowed to eat some of the fruit from that crop?

[20:54] Or to feed your family with it. And then in verse 8, he asks, Do I say these things on human authority? Does not the law say the same?

So, as much as this principle is well within the realm of common sense, Paul says that's not the argument I'm making here. I'm not relying on human reasoning alone.

This is what God's law says. Then in verse 9, he quotes what may seem like a very obscure verse from Deuteronomy to make his point.

Verse 9 says, For it is written in the law of Moses, You shall not muzzle an ox when it treads out the grain. And here he's citing Deuteronomy 25, verse 4.

Now, in its original context, grain was spread on the threshing floor, and an ox would walk across it or pull a threshing implement over it. And in other words, the ox is doing the work for the good of the farmer or its owner.

[22:03] And while it seems quite sensible to allow that animal to eat some of the grain while it's working, you know, keep up its strength and so on, the farmer might actually be tempted to muzzle the ox.

So it can eat. Why? Well, to maximize profit. If you let the ox eat, you have less grain for yourself or less grain to sell. And God forbade this.

Proverbs 12:10 captures the underlying attitude when it says, Whoever is righteous has regard for the life of his beast. So in its original context, this law was to protect animals.

But Paul, writing in the New Testament, sees more in this command than simply animal welfare.

Verse 10. Is it for oxen that God is concerned?

Does he not certainly speak for our sake? It was written for our sake, because the plowman should plow in hope, in the thresher, thresh in hope, of sharing in the crop.

[23:09] If we have sown spiritual things among you, is it too much if we reap material things from you? If others share this rightful claim on you, do we not even more?

Now, of course, God cared about the animals. It was written in the law of Moses. Jesus himself says God feeds the birds. And clearly, the immediate purpose of this law was for the animal's sake. But at the same time, the law evidently embodied a much larger moral truth. If justice forbids a man from using the strength of an animal while denying it a share of grain, how much more should justice prevent us from taking another person's labor while refusing to compensate him for that labor?

And Paul uses the same argument in 1 Timothy 5. And I want to read this passage as well, because Paul does something interesting here. This is 1 Timothy 5, verses 17 and 18.

Let the elders who rule well be considered worthy of double honor, especially those who labor in preaching and teaching. For the Scripture says, you shall not muzzle an ox when it treads out the grain, and the laborer deserves his wages.

[24 : 31] So, just like before, Paul cites Deuteronomy 25, 4, to show this principle that ministers of the gospel should be supported materially. But in this case, he also quotes Jesus from Matthew 10.

So, he takes a portion of the judicial law under the Old Covenant, and he places it right beside the words of Christ himself to express this basic principle of justice.

And in short, a worker should not be deprived of the fruit of his labor. Whether it's an ox, or a preacher, or someone else, justice requires that he be compensated for his work.

So, in the New Testament, we don't see Christ or the apostles attempting to apply the judicial law from the Mosaic Covenant to the church, at least not as it was explicitly written or applied.

Instead, they recognize that the judicial law doesn't apply to the church, yet there are sound moral principles upon which that law was based that are still relevant to the church and still have implications for the church.

[25 : 46] To put this another way, we need to make a distinction between the particular form of the civil law and the principle or the equity upon which it rests.

And what we see in Scripture is that the particular form of the law that was applied within the context of Old Covenant Israel is not applied to the New Testament church.

We simply do not see that. But at the same time, the judicial law of Old Covenant Israel remains valuable to us because it does, in fact, express in one form or another abiding moral principles that we should apply and certainly learn from.

And let's just use Deuteronomy 25.4 as an example. The form of this law in the Old Testament related to people taking care of their animals who were doing work for them.

But when we start examining it for moral principles, we find this broader lesson that anyone who works should be compensated for his labor, be it animals or people.

[27 : 00] Of course, we should also consider the negative side of that. If a person should be rewarded for their labor, then that also means that a person should not be deprived of the reward of their labor. Now, let me ask you something.

Did Deuteronomy 25.4 create a new moral principle? Or did the underlying moral principle already exist prior to the giving of that law in Deuteronomy 25?

Well, the answer is that it already existed. What is the Eighth Commandment? You shall not steal.

So, once again, the judicial law was formed on the basis of God's abiding moral law, but it took on a very specific form for a very specific people at a very specific time in redemptive history.

And what this means is that our use of the civil law is going to be different from what it was in Israel under the Old Covenant. As a church body, we're not going to necessarily apply all of these laws to ourselves.

[28 : 16] And as the church, we're not going to rise up and take over the government or form our own sovereign nation so we can enact all of these laws. And yet, these laws remain very useful because of those moral truths upon which they are founded.

So, let me provide you with a method that you can use whenever you are reading through the Old Testament, you encounter one of these laws. I'll give you a series of four questions you can ask yourself as you study it out.

First, we might ask, what was happening when the law was given? Why was it given? What's the historical context of the law? And I think these kinds of questions are always helpful anytime we're studying the Bible, the law or otherwise.

We need to understand the Scripture's original context before we make any effort to apply it to ourselves and our situations. Second, what good was God protecting?

Or what evil was He restraining? So, rather than look at the law itself and what it explicitly says, consider the purpose of the law in terms of good versus evil.

[29 : 31] Third, which part of God's abiding moral law serves as the foundation for this law? Does the law protect life?

Or marriage? Or property? Or truth? Or lawful authority? Or neighborly love? How does the law connect to the Ten Commandments?

And fourth, what does the rest of the Bible, especially the New Testament, do with this underlying moral principle, if not the particular civil law itself?

Now, we've already looked at one example, but let's look at at least one more. Let's go to Deuteronomy 19, verse 15.

This is Deuteronomy 19, starting at verse 15. A single witness shall not suffice against a person for any crime or for any wrong in connection with any offense that he has committed.

[30 : 41] Only on the evidence of two witnesses or of three witnesses shall a charge be established. If a malicious witness arises to accuse a person of wrongdoing, then both parties to the dispute shall appear before the Lord, before the priests and the judges who are in office in those days.

The judges shall inquire diligently, and if the witness is a false witness and has accused his brother falsely, then you shall do to him as he had meant to do to his brother. So you shall purge the evil from your midst, and the rest shall hear and fear and shall never again commit any such evil among you.

Your eye shall not have pity. It shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot. So, in this case, it isn't enough for the sake of justice to merely have the right laws on the books.

We're told the judges shall inquire diligently. This means there should be an investigation. The accusation may turn out to be true, but it may turn out to be false.

Either way, the judge is not to decide based on sympathy or social status or public pressure, maybe personal loyalty to one party or the other, first impressions, none of that.

[32 : 07] And this is good because maybe the witness is lying. Maybe the accuser is lying. And if he's lying, we're told, then you shall do to him as he had meant to do to his brother.

So, the law protects the accused by making a false testimony itself a very serious offense. And then comes perhaps the most famous part of this passage.

It shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot. Now, when we hear that, we most naturally think of it as representing some sort of primitive vengeance, right?

But look again. It's actually a restraint on personal vengeance. It's restraining that temptation to avenge yourself. The law requires that the penalty correspond appropriately to the offense, so courts are not free to punish someone more severely because, who knows, maybe the accused is unpopular or personally disliked.

And it also prevents the victim from turning justice into unlimited retaliation. So, what do we have here in this law?

[33 : 24] What are the underlying concerns or principles? Well, we have careful evidence, corroborated testimony, diligent investigation, protection against malicious accusations, and proportionate justice.

Now, the real question is, what does the New Testament do with this law? Well, we have several places in the New Testament where some part of this law is referenced.

For example, one is found in Matthew 18, 16, which is a passage that deals with church discipline. So, if someone in the church refuses private correction, Jesus says, take one or two others along with you, that every charge may be established by the evidence of two or three witnesses.

Clearly, Jesus is deliberately borrowing language from Deuteronomy 19, but it's a completely different setting. We're no longer in an Israelite civil court.

This is about church discipline. So, the exact institution has changed, but the justice embodied in that old law remains valid.

[34 : 41] Serious matters should be established very carefully rather than handled by mere accusation from one person. This was true in Israel's courts, and it's true even in the church today.

By the way, Paul refers to the same principle of establishing evidence by two or three witnesses in a couple of places, 2 Corinthians 13, 1, and 1 Timothy 5, 19.

But what about eye for an eye? Well, that's another part of the law that is referenced in the New Testament. In Matthew 5, starting at verse 48, Jesus says, You have heard that it was said, an eye for an eye and a tooth for a tooth.

But I say to you, do not resist the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also. And if anyone would sue you and take your tunic, let him have your cloak as well.

And if anyone forces you to go one mile, go with him too. Give to the one who begs from you, and do not refuse the one who would borrow from you. Now we're confronted with a pretty big question here.

[35 : 58] Was Jesus contradicting the law of God? Was he arguing that God's law was wrong somehow? You see, I'm pausing here for just a moment because I want you to think about that.

I know your first impulse is to say, no, Jesus would never contradict God's law. But you're also thinking, well, he kind of does. Well, no, he doesn't.

Your first instinct is absolutely correct. This is actually very telling. This is a very helpful passage for understanding the judicial law under the new covenant. Jesus is not contradicting God's law, but if not, what is he doing?

Well, the first thing he's doing is recognizing that his disciples, the ones he is speaking to, do not operate in the same context as Israel under the old covenant.

They are not under a unified civil government as Israel once was. In other words, his disciples, they do not have the same authority as Israel's government once did.

[37 : 02] They're not in a position to dole out punishment to lawbreakers in this way. And because this is true and because he knows that sinful people could easily take a rule intended for civil magistrates and turn it into kind of a personal slogan, he hurt me, so I have the right to hurt him back, he essentially says this rule doesn't apply to you in the same way.

Yes, punishment should be proportionate to the evil committed, but it does not allow for personal vengeance. And if we needed further clarity on that, we could turn to Romans chapter 13.

Again, Paul says, let every person be subject to the governing authorities. And he goes on to say, for he is the servant of God, an avenger who carries out God's wrath on the wrongdoer.

And what did he say just before that? In the previous chapter, beloved, never avenge yourselves, but leave it to the wrath of God. For it is written, vengeance is mine, I will repay, says the Lord.

To the contrary, if your enemy is hungry, feed him. If he is thirsty, give him something to drink. For by doing so, you will heap burning coals on his head.

[38 : 20] Do not be overcome by evil, but overcome evil with good. In short, justice is not the same thing as personal revenge.

God has established a proper way to punish wrongdoing, and it's not up to the individual or even the church collectively to punish people with the sword that belongs to the governing authorities, which, we're told, God has ordained.

And just briefly, let me show you one more place in the New Testament where it becomes clear that the church does not wield the sword of the state. And that's found in 1 Corinthians 5.

When Paul addresses the issue of a professing Christian who is living in serious sexual immorality, what does he tell the church to do? He doesn't tell them to execute a civil penalty.

Instead, he says, is it not those inside the church whom you are to judge? God judges those outside, or we might say he punishes those outside, purge the evil person from among you.

[39 : 35] In other words, excommunicate them. Why? Well, there are no criminal courts within the church. Obviously, our concern for holiness within the community remains.

Obviously, we are not to tolerate evil, but the church's authority is ecclesiastical, not civil. So, despite having the authority to discipline our members, in a sense, we don't bear the civil sword.

So, we discipline unrepentant members by simply purging them from among ourselves. We effectively move them outside of our community. So, to wrap all of this up, we may not have a passage in the Bible that's as clear about the judicial law as maybe this one paragraph in the confession is, but what we see articulated by the confession is clearly biblical.

Again, it says, these laws no longer obligate anyone as part of that institution, that is, the nation of Israel, but their general principles of justice continue to have moral value.

Let's pray. Father, at times, we are challenged as we read through your law, but I ask that you would help us to see its moral value.

[41:03] Help us to understand what applies and when. By your spirit, I pray that you would grow us in our understanding and in your grace. Lord, I'd ask, would you bless us now as we leave Sunday school and enter into worship in just a few minutes.

And it's in Christ we pray. Amen. Amen. Amen. Amen.!