

Justice and Judgment

- I. Sometimes we are called upon to render judgment in the court of the church and we may be called upon to sit on a jury in a civil court.
 - A. As a church we have judicial authority over our individual members. **1CO 5:12; 6:1-5.**
 - 1. Our power only extends to separating company from an offender.
 - 2. Church membership is voluntary and apostates are free to leave. **JOH 6:66-68.**
 - 3. This is a power of free association that can only be harmed by church incorporation, not helped by it.
 - B. In all criminal prosecutions, the U.S. Constitution guarantees the right to a trial by jury.
 - 1. jury: In legal use. A company of persons (orig. men) sworn to render a 'verdict' or true answer upon some question or questions officially submitted to them; in modern times, in a court of justice, usually upon evidence delivered to them touching the issue; but in the earliest times usually upon facts or matters within their own knowledge, for which reason they were summoned from the neighbourhood to which the question submitted to them related, or in which the person or persons lived as to whose conduct or death an 'inquest' or investigation was held.
 - 2. trial: *Law*. The examination and determination of a cause by a judicial tribunal; determination of the guilt or innocence of an accused person by a court.
 - 3. In such a case, the jury sits as the judge.
- II. This is a study of the system of justice and judgment among men.
 - A. God's judgment is total and extends to all the crimes that men have committed. **MAT 12:36; GAL 3:10; JUDE 1:14-15.**
 - B. In a human system of judgment, it is the responsibility of the judge(s) to determine guilt or innocence of a defendant accused of a specific crime committed at a specific time.
 - 1. Anyone who stands to be judged in a human court is a sinner. **1KI 8:46; ROM 3:23.**
 - 2. Therefore, the issue to be decided is not whether the accused has ever done anything wrong, but rather whether he is guilty of the specific crime with which he is being charged.
- III. The execution of justice and judgment is more important than religious sacrifices and rituals. **PRO 21:3; ISA 1:10-24; MAT 23:23.**
- IV. Isaiah 59 gives a vivid description of a society in which justice and judgment are absent. **ISA 59:4, 8-9, 11, 14.**
 - A. Such a society is characterized by deceit, violence, and destruction. **vs. 4-7.**
 - B. Where there is no justice, there can be no peace. **v. 8.**
 - C. In vain does such a society look for light and guidance. **vs. 9-10.**
 - D. Where there is no judgment, there is no salvation. **v. 11.**
 - E. There will be no true justice in a society that legislates God out of its affairs. **v. 13.**
 - F. The decent law-abiding citizen becomes a prey in this kind of society. **v. 15a; 2TI 3:3.**
 - G. Such a state of affairs displeases the Lord. **v. 15b.**
 - H. The despicable condition of this society was not owing to a lack of self-esteem, nor a lack of wealth, nor a lack of redistribution of wealth, nor a lack of jobs, nor a lack of schools, nor a lack of tolerance for alternative lifestyles. It was owing to a lack of justice.

- I. Though men may fail to execute justice, God will nevertheless execute His judgment. **vs. 16-18.**
 - J. Man's injustice does not escape the cognizance of the ultimate, supreme Judge. **ECC 5:8; PSA 82.**
 - K. If man would execute judgment, God would not have to step in. **1CO 11:31.**
- V. When the system becomes corrupted, people tend to look for a knight in shining armour to cure all ills and in so doing they court tyranny. **ISA 3:5-7; 1SAM 8:3-5.**
- VI. The general ignorance of the principles of justice has led to the pitiful state of affairs in our nation. **ISA 5:13; HOS 4:6.**
- A. Equal opportunity and equality before the law is being cast off in favor of equalization of standards of living through wealth redistribution.
 - B. Uniform justice through the law has commonly given way to "social justice."
 - C. Public officials are too often elected not to uphold or restore justice but to bend it to the benefit of a class of voters.
 - D. The rights and property of individuals are too commonly deemed inferior to the concerns of the state, of regulatory agencies' whims, of international concerns, and the "global" concerns of spurious science.
- VII. What are justice and judgment?
- A. justice: I. The quality of being just. II. Judicial administration of law or equity. Exercise of authority or power in maintenance of right; vindication of right by assignment of reward or punishment; requital of desert.
 - 1. just: That does what is morally right, righteous. **just before (with) God** or, simply, **just**: Righteous in the sight of God; justified.
 - 2. right: sb. The standard of permitted and forbidden action within a certain sphere; law; a rule or canon. 2. That which is proper for or incumbent on one to do; one's duty. 3a. That which is consonant with equity or the light of nature; that which is morally just or due. (Often contrasted with *might* and *wrong*, and in ME. freq. coupled with *reason* or *skill*.)
 - 3. right: adj. Of persons or disposition: Disposed to do what is just or good; upright, righteous. Of actions, conduct, etc.: In accordance with what is just or good; equitable; morally fitting. In later use chiefly predicative.
 - B. judgment: The action of trying a cause in a court of justice; trial. 3a. The sentence of a court of justice; a judicial decision or order in court.
 - C. judge: sb. A public officer appointed to administer the law; one who has authority to hear and try causes in a court of justice.
 - D. judge: v. To try, or pronounce sentence upon (a person) in a court of justice; to sit in judgement upon.
 - E. Judgment requires discernment between that which is good and that which is bad, which requires a standard of good and bad.
 - F. Inherent in the definition of *justice* is a standard of right which is a law.
 - 1. The lawgiver is God. **JAM 4:12; ISA 33:22.**
 - a. It is by the wisdom that comes from God that justice is decreed. **PRO 2:6; 8:15-16.**
 - b. The ultimate source of your law is your god.
 - c. If the ultimate source of law is humanity, then humanity cannot be under the

- law.
2. All men from the supreme magistrate on down are under God's law. **PSA 103:19; COL 2:10; PSA 2:10-12.**
3. In a just society, rulers themselves are restrained by law. **DEU 17:14-20.**
4. We need judges in the church and in the nation that are informed in the laws of God. **EZR 7:25.**
5. When God and His law are ruled out of a society, justice is gone.
 - a. Absolutes will give way to relativism.
 - b. Right will be determined by might or by poll and therefore subject to continual flux.
 - c. There can be no stability in such a system.

VIII. The primary function of a civil government is to execute *justice* and *judgment*.

IPE 2:13-14; ROM 13:1-7.

- A. The primary functions of the king in Israel were those of commander of the military and to execute justice. **1SAM 9:16; 2SAM 8:15; 2CH 9:8.**
 1. By means of the military the king saved his people from oppressors outside their borders.
 2. By the execution of justice the king saved his people from oppressors within their borders.
 3. The very name of "the king's court" (**AMO 7:13 c/w LUK 7:25**) reflects the judicial power of a king.
 4. (**PRO 16:10**) A divine sentence is in the lips of the king: his mouth transgresseth not in judgment.
- B. The execution of justice by a civil government establishes a land. **PRO 29:4.**
- C. Civil governments overextend their function to trying to save people from poverty, hunger, ignorance, factionalism, insults, and disease.
 1. While a civil government can restrain wickedness, it cannot renew men in righteousness.
 2. Only Christ can save men from all the consequences of sin.
 3. Consider the messianic character of our modern government and politicians.
 4. Politicians tend to set forth visions that are like prophecies of the new heavens and the new earth.

IX. **2CH 19:5-11** sets forth several principles of the duty of judgment.

- A. The execution of judgment is something to be done for the Lord.
 1. Our system of trial by jury is a power in our civil government.
 2. Remember that "the powers that be are ordained of God" (**ROM 13:1-7**) and justice is their primary function.
 3. Judges should act as representatives of God, not of the state.
 4. Judges should not represent the society at large, for that would give no protection to the individual from the will of the mob.
 5. If one ever has a judicial appointment or is ever on a jury, he would do well to remember that he is there by the appointment of God to execute justice as His servant.
- B. Judgment is to be faithfully done in the fear of God. **EXO 18:21-22 c/w LUK 18:2.**
- C. God's law is to receive paramount consideration. **ACT 5:29.**
- D. Judgment should be administered courageously. **DEU 1:17.**

E. The Lord is with us in judgment and shall be with the good. **2CH 19:11.**

X. In order to have true justice, there must be not only the administration of *law* but the maintenance of *right*. **PSA 9:4.**

A. This follows inasmuch as wrong can be framed into law.

EXO 1:22; EST 3:8-15; DAN 3:1-6; 6:4-9; PSA 94:20-21; ISA 10:1-2.

1. Since justice is the administration of law, when mischief is framed by a law, enforcing it appears to be an act of justice.
2. Since people tend to think that anything lawful is just, unjust persons try to legalize their unjust actions.
3. The law "...was added BECAUSE of transgressions..." (**GAL 3:19**), the transgressions being established by divine precepts. *Concocting* transgressions contrary to divine precepts is NOT the making of just law. **ROM 4:15.**

B. Consider the sin of extortion. **EZE 22:12; 1CO 5:10-11.**

1. extort: *trans.* To obtain from a reluctant person by violence, torture, intimidation, or **abuse of legal or official authority**, or (in weaker sense) by importunity, overwhelming arguments, or any powerful influence.
2. When law is concocted or twisted to facilitate extortion, the legality is invalid.
3. "It is impossible to introduce into society a greater change and a greater evil than this: the conversion of law into an instrument of plunder."
(Frederic Bastiat, *The Law*, p. 8)
4. "But how is this legal plunder to be identified? Quite simply. See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime."
(Ibid. p. 17)
5. "When law and morality contradict each other, the citizen has the cruel alternative of either losing his moral sense or losing his respect for the law. These two evils are of equal consequence, and it would be difficult for a person to choose between them." (Ibid. pp. 8-9)

C. The administration of an unjust law is an act of injustice.

D. The abuse of law is an act of injustice.

1. The early Jewish Christians were thus victimized by their own brethren.

JAM 2:6; 5:6.

- a. condemn: a. *trans.* To pronounce an adverse judgement on... b. Said of witnesses and acts: To procure the condemnation of, to bring about the conviction of.
- b. Here was a case where the rich used not the law for justice but for personal gain.
2. The greatest example of such abuse was what the guardians of law did to Jesus Christ. **ACT 3:14-15; 13:28.**
3. **(1TI 1:8)** But we know that the law is good, IF A MAN USE IT LAWFULLY.

E. Judges are commanded to follow that which is **ALTOGETHER** just. **DEU 16:18-20.**

1. altogether: Everything being included; in all respects, in every particular; entirely, wholly, totally, quite.
2. There are three elements to every case: fact, law, and determination.
 - a. *Law* is the rule of conduct under consideration.
 - b. *Fact* refers to the person's state of affairs, to what he did or did not do.

- c. *Determination* is the verdict of guilt or innocence arrived at when the facts are considered in relation to the law.
- 3. Consider this case: A certain man is charged with breaking the law that requires all pilots to have a pilot's license.
 - a. THE LAW is that pilots must have a license.
 - b. THE FACT is that the accused is not a pilot.
 - c. THE DETERMINATION is that the accused is not required to have a license and is, therefore, not guilty of breaking that law.
- 4. Consider this spiritual case: A N.T. Christian is charged with breaking the sabbath law which God gave to Israel under the Mosaic (O.T.) covenant.
 - a. THE LAW is that Israel under the O.T. must keep the sabbath law. **EXO 20:8; 31:16-17; EZE 20:16-17.**
 - b. THE FACT is that a N.T. Christian is not under the O.T. covenant.
 - c. THE DETERMINATION is that a N.T. Christian is not guilty of breaking *that* sabbath law. **COL 2:14-16.**
- 5. Consider another case: A couple is charged with breaking a law that requires all children to attend a state-accredited school.
 - a. THE LAW is that all children must attend state-accredited schools.
 - b. THE FACT is that the accused couple are not sending their children to a state-accredited school.
 - c. THE DETERMINATION is that the couple are guilty of breaking that state law, if you think the law is just.
 - d. HOWEVER, if you believe the state is at fault for making such a requirement, then THE DETERMINATION is that the couple are not guilty.
- 6. An "altogether just" judgment requires that the justice of the law itself be considered as well as the facts in arriving at a determination.
- F. We are not to judge God's law (**JAM 4:11**). It is the laws of men that we must judge as to whether they are just or not. We are to prove all things and hold fast that which is GOOD (**1TH 5:21**), not simply that which is made law.

- XI. Our judicial system allows a jury to find a defendant innocent even though he has broken the law. This is called *jury nullification*. The following remarks are informational, not legal advice.
 - A. The Supreme Court has ruled that the judge has the right to instruct the jury on the law and that the jury should not be encouraged in their lawlessness by being told that they may disregard the law.
 - B. The Court has also maintained that the "Jury has undisputed power to acquit, even if its verdict is contrary to law as given by the judge and contrary to evidence....If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision." [United States v. Moylan, 417 F.2d 1002 (1969)]
 - C. The United States of America has a system known as *common law*.
 - 1. common law: As distinguished from law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England. The

- “common law” is the statutory and case law background of England and the American colonies before the American revolution.
2. The judgments of the courts with regard to the power of jury nullification are part of the common law.
 3. Hence it is lawful for a jury to nullify the law.
- D. A juror will be told that he must follow the instructions of the Court and will even have to take an oath that he will render a verdict only on the evidence introduced and in accordance with the instructions of the Court.
1. However, the Supreme Court has said that a judge CANNOT tell you to convict a defendant, even though he may tell you what the law is upon a given state of facts.
 2. Therefore, you do no wrong if you bring a verdict of “not guilty” contrary to the facts and the law.
 3. If the juror does not have this capacity, then the jury’s utility as a determiner of guilt or innocence is moot. The juror’s duty would have to be assumed as only a “rubber stamp” of the prosecution’s accusation.
 4. Thus, it seems reasonable to conclude that one adamant juror who votes “not guilty” may result in a “hung jury” but sufficient numbers of such jurors result in a “not guilty” *verdict* contrary to the facts and the law.
- E. There are checks and balances in our system with regard to laws.
1. There are five tribunals in our nation to veto laws: the house of representatives, the senate, the executive, the judicial, and the jury.
 2. These five tribunals are the components of the three major divisions of power in our government: executive (president), legislative (both houses of congress), and judicial (judges and juries).
 3. The separation of powers within our government is based upon three distinct powers mentioned in **ISA 33:22**, “For the LORD is our judge [judicial], the LORD is our lawgiver [legislative/congressional], the LORD is our king [executive]; he will save us.”
 4. When a jury refuses to convict a man guilty of breaking a law, it in effect vetoes that law.
 5. The jury, in effect, is constrained to ask itself whether it would want to be found guilty under the same law(s) and set of facts, an application of **MAT 7:12**.
- F. The same juror’s handbook that says, “you are duty-bound under your oath to give full effect to the laws of our State as the judge states them to you” also says, “jurors should never vote against their conscience or their own judgment.”
- G. Some judges have stated that while a jury has the “power” to determine the law, they do not have the “right” to do so.
1. However, no juror can be prosecuted for the verdict he renders, even if it is contrary to the law.
 2. “The law must, however, have intended, in granting this power to a jury, to grant them a lawful and rightful power, or it would not have provided a remedy against the undue exercise of it.” (Judge Kent)
 3. “It is manifest that the only security against the tyranny of the government lies in forcible resistance to the execution of the injustice; because the injustice will certainly be executed, unless it be forcibly resisted....Since, then, this forcible resistance to the injustice of the government is the only possible means of preserving liberty, it is indispensable to all legal liberty that this resistance should be legalized....It is perfectly self-evident that where there is no legal right to resist

the oppression of the government, there can be no legal liberty. And here it is all-important to notice, that, practically speaking, there can be no legal right to resist the oppressions of the government, unless there be some legal tribunal, other than the government, to judge between the government and those who resist its oppressions; in other words, to judge what laws of the government are to be obeyed, what may be resisted and held for nought. The only tribunal known to our laws, for this purpose, is a jury.” (Lysander Spooner, 1808-1887)

- XII. Besides the power of jury nullification, the other means of forcibly resisting the oppressions of government is by revolution, a last resort.
- A. The right of revolution against a government is established only when the revolution is successful.
 - 1. Revolution is treason unless it succeeds.
 - 2. If it succeeds, then opposition to it becomes treason.
 - 3. “Treason doth never prosper, what’s the reason? Why, if it prosper, none dare call it treason.” (Sir John Harington, godson of Elizabeth 1, circa 1600)
 - B. Revolution incurs great risk and should not be undertaken for “light and transient causes.”
 - C. Governments are popular until such time as the cost of submission is more than the cost of resistance.
 - D. Scripture gives examples of just revolutions. **JDG 3-7; 2KI 9-10.**
 - E. Sedition (a work of the flesh, **GAL 5:19-21**), is defined as a *concerted movement to overthrow an established government*.
 - 1. A government is *established by righteousness*. **PRO 16:12; 1SAM 13:13.**
 - 2. Jehoida was not walking after the flesh when he led the overthrow of the wicked government of Athaliah. **2KI 11.**
 - 3. Subduing a government can be an act of faith. **HEB 11:32-33.**
 - F. Governments seek to disarm their subjects/citizens to protect themselves from revolt. **1SAM 13:19-22.**
 - G. The Second Amendment of the U. S. Constitution protects the right of the people to bear arms, thus granting them both the right and power to revolt.
 - 1. The Second Amendment is not primarily for self-defense against criminals and beasts or for hunting, but for “...the security of a free state...” It is a counter to oppression.
 - 2. Be wary of scare-monger tactics to disarm the people based upon abuses of this right.
 - 3. “Those who naively beat their swords into plowshares will plow for those who don’t.” (Unknown)
- XIII. All men are entitled to justice.
- A. This is so regardless of the will of the mob. **EXO 23:2.**
 - 1. Pilate violated this principle in sentencing Jesus to death. **MAR 15:6-15.**
 - a. The mob offered no proof of guilt, only a demand for execution.
 - b. Note the conflict of interest in Pilate’s will.
 - (1) He was willing to release Jesus. **LUK 23:20.**
 - (2) He was willing to content the people.
 - c. The desire to appease the crowd, the desire for peace, won out over the desire to do right.
 - 2. The masses can be moved to gross injustice. **ACT 16:19-24.**

3. The insistence of the mob has great weight with politicians who prize popularity over justice.
 4. This principle can work for good also. **ACT 4:21; 5:26.**
 5. Thus, Christians' great power for liberty is first by peaceful means through a robust spread of the gospel.
- B. There is to be no respect of persons in judgment, regardless of their economic or social status. **LEV 19:15; DEU 1:16-17; PRO 18:5.**
1. In judging a case against a citizen, one must not let the government's might or greatness, nor the government's "poverty" bias his judgment.
 2. To have respect of persons is itself a crime against God's law. **JAM 2:1-9.**
- C. Judgment is not to be perverted through personal affinity or pity. **DEU 13:6-11.**
1. The passage clearly sets forth the responsibility of individual citizens to cooperate with the pursuit of justice.
 2. The offender is not to be cooperated with, pitied, spared or concealed.
 - a. This is assuming that the law he has breached is a just law.
 - b. Faithful people are praised for NOT exposing someone to unjust civil action. **EXO 1:15-21; HEB 11:31 c/w JAM 2:25; 2CO 11:32-33.**
 3. The pursuit of such impartial justice by the citizens at large curbs wickedness in a society.
 4. A juror's handbook says, "If you go outside the testimony in reaching your verdict...to show your sympathy or bias, or even to be charitable, you are violating your oath to 'render a true verdict according to the law and evidence.'"
- D. A clear perception of the law is necessary to avoid perverting judgment. **PRO 31:4-5.**
- E. The perversion of judgment through bribery is sternly forbidden by God. **EXO 23:8; PRO 17:23.**
1. The U.S. Constitution (Article III) provides that the judges on the U.S. Supreme Court and the inferior courts can hold their office for life "in good Behaviour" and that their salaries cannot be diminished during their time in office, protecting them from being pressured by the President or Congress.
 2. Beware of letting personal favors someone has done for you influence your judgment of that person.
- F. **(JOH 7:24)** Judge not according to the appearance, but judge righteous judgment.

XIV. Biblical justice allows the accused as well as the accuser to be heard at trial.

DEU 1:16-17; JOH 7:51; ACT 22:1; 25:16.

- A. "Judges, when they receive the complaints of the accuser, must always reserve in their minds room for the defence of the accused, for they have two ears, to remind them to hear both sides; this is said to be the manner of the Romans, Act 25:18. The method of our law is *Oyer and Terminer*, first to *hear* and then to *determine*. [5.] Persons are to be judged, not by what is *said* of them, but by what they *do*. *Our law* will not ask what men's opinions are of them, or out-cries against them, but, What have they done? What *overt-acts* can they be convicted of? Sentence must be given, *secundum allegata et probata* - according to what is *alleged and proved*. Facts, and not faces, must be known in judgment; and the scale of justice must be used before the sword of justice." (Matthew Henry on John 7:51)
- B. There is great threat to liberty and justice when an accusation is assumed valid and counterarguments to it forbidden, as was done in England's "Court of Star Chamber" proceedings: "...Individuals were subject to hostile questioning, and if they gave unsatisfactory answers, they were charged with perjury. If they did not answer for fear of

self-incrimination, they were held in contempt of court. The abuses of England's Star Chamber led America's founders to include the Fifth Amendment in the U.S. Constitution...The Star Chamber finally summoned juries before it for verdicts disagreeable to the government, and fined and imprisoned them."

(William Federer, *Creepy Origins of Bill of Rights' 5th Amendment*)

- C. The secretive proceedings and determinations of the FISA court which determines guilt against an accused *in absentia* bear uncomfortable similarities to the Star Chamber.
- D. Counsellors like pastors must be wary of hearing only one side of personal controversies, especially in marital issues.

XV. Biblical justice demands that one is innocent until PROVEN guilty.

DEU 13:12-15; 17:2-6; ACT 24:13.

- A. prove: To establish (a thing) as true; to make certain; to demonstrate the truth of by evidence or argument.
 - 1. establish: To render stable or firm. †a. To strengthen by material support (*obs.*). †b. To ratify, confirm, validate (*obs.*). c. To confirm, settle (what is weak or wavering); to restore (health) permanently; to give calmness or steadiness to (the mind). †d. *catachr.* To calm (anger), to settle (doubts).
 - 2. certain: Determined, fixed, settled; not variable or fluctuating; unfailing. 3. Established as a truth or fact to be absolutely received, depended, or relied upon; not to be doubted, disputed, or called in question; indubitable, sure.
- B. The juror's handbook correctly states: "In a criminal case, the defendant must be proved guilty BEYOND A REASONABLE DOUBT AND TO A MORAL CERTAINTY in order to be convicted" (caps mine).
- C. Merely hearing an accusation against a man is not sufficient grounds for condemning him.
 - 1. That one is accused does NOT prove he is guilty. c/w **JOH 18:30**.
 - 2. Reputations have been ruined by accusation alone. The power of a prosecutor is formidable, especially when bias is afoot, and recourse against prosecutorial power is limited.
- D. A judge or jury must examine the facts of a case. **DEU 17:4**.
- E. fact: A thing done or performed. Something that has REALLY occurred or is actually the case; something CERTAINLY known to be of this character; hence, a particular TRUTH known by actual observation or AUTHENTIC testimony, as opposed to what is merely inferred, or to a conjecture or fiction; a datum of experience, as distinguished from the conclusions that may be based upon it.
- F. The law demands that an accusation be confirmed *at the mouth of two or three witnesses*. **DEU 19:15-18**.
 - 1. witness: Attestation of a fact, event, or statement; testimony, evidence; †evidence given in a court of justice.
 - 2. Hearing, seeing, and handling are means whereby a person is qualified to bear witness. **1JO 1:1-2**.
 - 3. A witness may also be a thing or a written document. **EXO 22:10-13; JAM 5:3; ROM 1:20 c/w ACT 14:17; JER 32:9-15; JOH 5:39**.
 - 4. The witnesses must be credible. **PRO 14:5**.
 - a. Clairvoyants, necromancers, psychics, hypnotic utterances, etc. are not valid witnesses. **DEU 18:10-11**.
 - b. Documents must be verified as genuine. In our day, digital video evidence may not even be credible.

- c. Jesus Himself discouraged men from believing in Him if the evidence was not credible. **JOH 10:37-38.**
- 5. The purpose for cross-examining witnesses is to determine if their witness is credible.
- 6. The accused and the witness against him should BOTH appear before the court. **EXO 22:9.**
 - a. The accuser should face the accused with his accusation. **ACT 24:18-19; 25:16; JOH 8:10-11.**
 - b. The sixth amendment of the U.S. Constitution embodies this principle in giving the accused the right "...to be confronted with the witnesses against him..."
- 7. A man may be guilty of a crime but he is not to be found guilty in the absence of more than one witness.
- 8. Joseph was unjustly condemned for sexual assault on the false testimony of only one witness. **GEN 39:7-20.**
- 9. The required witnesses were persons OTHER THAN the man accused of committing the crime.
 - a. Hence, a man was not compelled to be a witness against himself.
 - b. The fifth amendment of the U.S. Constitution states that no person "...shall be compelled in any criminal case to be a witness against himself..." Mind how this contrasts with the Star Chamber tactics (noted above) which generated this amendment.
 - c. No suspect should be required to submit to a lie detector test since this would be a form of compelling a man to be a witness against himself. Nor should a suspect be forced to undergo "truth serum" administration for the same reason.
 - d. The propriety of compelled breathalyzer tests have been hotly debated for years. Similarly, the compelled drawing of blood (an invasive procedure) is a legal hot-wire issue. Even forced fingerprinting has been challenged.
 - e. Testimony that an accused *voluntarily provides* about himself is normally considered acceptable unless given under threat, extreme duress, etc.
- 10. Therefore, the law protects even a guilty man if his crime cannot be established at the mouth of two or three witnesses.
- 11. This same law also protects an innocent man.
- G. The law of God required that the judge(s) hear an accused and KNOW what he did before judgment was rendered. **JOH 7:51.**
- H. In the absence of proof, the accused should be found innocent and the accuser condemned as a false accuser. **DEU 19:16-21.**
 - 1. The burden of proof rests on the accuser.
 - 2. The benefit of doubt goes to the accused.
 - 3. Accusers with meritless cases should be held accountable.
- I. The perverse system of guilty until proven innocent crucified the Lord Jesus Christ.
 - 1. The Jews claimed that the very fact they delivered Jesus to Pilate proved He was a malefactor. **JOH 18:29-30.**
 - 2. Pilate's verdict was "not guilty." **MAT 27:24; JOH 19:6.**

XVI. In a trial, judge ONLY the facts relative to the accusation at hand.
DEU 13:12-14; 17:2-4; 19:15.

- A. Note in these passages the singular nouns and pronouns referring to the accusation under investigation.
 - 1. The judge is to determine “...if IT (the specific accusation) be truth, and the THING (the specific accusation) certain, that SUCH (the specific crime) abomination is wrought among you” (**DEU 13:14**).
 - 2. “...at the mouth of two witnesses, or at the mouth of three witnesses, shall THE MATTER (the specific accusation) be established” (**DEU 19:15**).
- B. It is important that you settle offenses between yourself and other brethren by either overlooking the offence or going to the brother to seek reconciliation.
PRO 19:11; MAT 18:15-17.
 - 1. Failure to do this may result in those unsettled matters influencing your judgment in an unrelated issue.
 - 2. You are NOT rendering a TRUE verdict if you find a man guilty of an unproven charge for which he is being tried, when in reality you are condemning him for some other offence for which he is not being tried.
- C. It is an abomination to condemn a just man for some wickedness he did not commit.
PRO 17:15.

XVII. Justice should be executed speedily.

- A. This benefits the *accused* in that it protects him against protracted detention before trial.
 - 1. Recall that the Biblical order assumes innocence until proven guilty. Therefore, indefinite detention of an accused before trial can be a *de facto* judgment against him. Remember **JOH 7:51**.
 - 2. The sixth amendment of the U.S. Constitution grants that “...in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial...”
- B. This benefits the *transgressor* in that it arrests him from compounding error.
LEV 19:17; ECC 8:11.
- C. This benefits the *public body* in that it promptly clears itself of harboring transgressors.
1CO 5:1-2 c/w 2CO 7:11.
- D. The need for speedy justice can be deduced from Jethro’s advice to Moses.
EXO 18:13-26.
 - 1. Moses did not have enough time to judge every case. This was paralyzing Israel’s judicial system and would ultimately wear the people away.
 - 2. It was better to have more judges who could judge the people “...at all seasons...” (**EXO 18:22**).
 - 3. Moses’ judgment was reserved for the hard cases.
 - 4. This system of inferior courts and a supreme court parallels the system provided by the U.S. Constitution: “The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.” (Article. III., Section. 1.)
- E. Too many laws can result in bogging down the judicial system in an attempt to enforce the laws.
 - 1. An increase in burdensome regulations causes people to lose respect for the law.
 - 2. Israel’s leaders heaped unbearable extra burdens upon the people above the 600+ criminal and regulatory laws of Moses, and so made themselves contemptible.
MAL 2:7-9 c/w MAR 7:8; MAT 23:4.
 - 3. It is better to have fewer laws that can be promptly and strictly enforced than too many laws that cannot be enforced because citizens break them in mass, thus

- jamming the legal system.
4. “Attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of Citizens, tend to enervate the laws in general, and to slacken the bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case where it is deemed invalid and dangerous? and what may be the effect of so striking an example of impotency in the Government, on its general authority?” (James Madison)
 5. The free market is a more efficient organizing principle in society than centralized planning by civil government.
 6. Increased dependence upon the government leads to more appeals to the government to rectify all wrongs which in turn bogs down the system.
 7. Civil laws are generally multiplied where there is an emphasis of self-interest over self-restraint.
 - a. The two most powerful influences for civil harmony are the fear of God and the loving of one’s neighbor as oneself: these are the bedrock principles of self-restraint. Where these are absent, civil laws multiply.
 - b. “My [Marxist] friend went on to say that ‘Americans followed these rules because they had come to believe that they weren’t just accountable to society, they were accountable to God.’ My Chinese friend heightened a vague but nagging concern I harbored inside that as religion loses its influence over the lives of Americans what will happen to our democracy? Where are the institutions that are going to teach the next generation of Americans that they too need to voluntarily choose to obey the laws? Because if you take away religion, you cannot hire enough police.” (Clay Christensen, Professor of Business Administration at Harvard Business School, Feb. 8, 2011)
 - c. **(PSA 144:15)** Happy is that people, that is in such a case: yea, happy is that people, whose God is the LORD.
- F. In prosecuting another person, it is not expedient to present a long string of accusations to be investigated and judged, which only prolongs the procedure of justice.
1. It is better to select a few charges that can be easily proved.
 2. In the church, no matter how many charges are presented, the judgment is the same: exclusion. The church has no power on the offender beyond that.
 3. Guilt is NOT PROVED by a multitude of charges. **MAR 15:3-4.**
- G. When possible and reasonable, it is best to settle a case out of court so that this system is not unnecessarily burdened.
1. This is especially so if you are in the wrong. **LUK 12:58-59 c/w MAT 18:15-17.**
 2. Do not rely on the legal system to get yourself out of a jam you got yourself into.
 3. Delayed justice because of too many cases paralyzes a society and has been known to produce such dangerous remedies as England’s Court of Star Chamber.

XVIII. We must not expect absolutely perfect justice in any human court.

- A. Human courts are conducted by imperfect people who do not have infinite knowledge of all things.
- B. A good system can be misused. **1KI 21:7-13.**
- C. Moses, with whom God spoke mouth to mouth, was Israel’s most competent jurist. **NUM 12:6-8; DEU 1:9-17.**
 1. But Moses was limited in how much he could adjudicate. **EXO 18:13-18.**

2. Regular, speedier justice by responsible men of less ability was better than delayed justice by the most able jurist.
- D. The limitations of human jurisprudence must be reckoned with or the legal system will collapse.
- E. “Cool and candid people will at once reflect that the purest of human blessings must have a portion of alloy in them; that the choice must always be made, if not of the lesser evil, at least of the GREATER, not the PERFECT good; and that in every political institution, a power to advance the public happiness involves a discretion which may be misapplied and abused.” (James Madison)
- F. Imperfect justice is not injustice.
- G. When men expect sinless perfection in other men, they readily fall into sinful intolerance of human frailties.
- H. Perfect justice will be executed by the perfect Judge on the day of judgment. **ACT 17:31.**