

THE LAW: A NEW CONSTITUTION FOR A NEW NATION

Deuteronomy 4:2, Ecclesiastes 8:11, Romans 13:1

By Raymond White

God made the nations and set their boundaries. And when he did that, he had a favorite, and that favorite was Israel.

Deuteronomy 32:8 When the most high divided...the nations he set the bounds ...according to the number of the children of Israel. :10 he [God] instructed him [Israel], he kept him as the apple of his eye.

He gave Israel everything that a new nation needed, including a full and complete legal system: the Torah.

[1] GOD'S LAW

The Torah was not only religion, it was law, the constitution of new nation whose purpose was to establish and maintain peace and safety for its citizens. And since it was God's law, then it is a model for all law yet to come to follow.

It is called "the Torah," or "the Mosaic Law," or "Israel's Law," or "the Pentateuch," or "God's Law," or just "*the Law*." But by whatever name, we ought to understand it for what it really is: the constitution of a new nation; namely, Israel.

Understanding that and how they dealt with it, may help us to deal with our own constitution and our obligation to it.

My point here is not to dissect and understand the law in all its particulars (for that, see [Justice.doc](#)), but to understand *law* generally, why God wants us to have law at all and why civilization needs it to be civil. And since it was God who gave the law, we must conclude therefore that it is God who wants us to be civil.

Deuteronomy 4:5 Behold I have taught you statutes and judgment.

We so often regard these first books of the Bible as revelation that we often neglect to see them for what they really are, a constitution, a book of codified civil law. We so often call it "*the law*" that we fail to realize that it is first and foremost "law" in the general sense, and therefore Israel's foundation for civilized living.

My point is this: God's first interest in us is how we get along with each other; in other words, how peaceful and just is our society, and for that, unfortunately, we need government and, ugh, law.

[2] WHAT LAW DOES, OR IS SUPPOSE TO DO

How does the law, the Torah, operate? Law does many things, but first and foremost it defines rules that inhibit predatory behavior (thou shalt not kill, thou shalt not steal) and enforces those rules with strict and fair penalties. For instance:

Exodus 21:12 He that smitheth a man so that he die, shall surely be put to death.

Exodus 22:1 If a man shall steal an ox...he shall restore five oxen for an ox...

By “fair” penalties, that does not mean to restore one ox for one stolen. That would not be fair, not to the victim who deserves compensation for his trouble, nor to society since one for one would only encourage thieves to do more thieving. After all, what would they have to lose? If they get caught, they lose nothing but the ox they stole. And they might get away with it. “Fair” then must mean high risk to criminals; that is, punitive risk. Five oxen for an ox is fair. A hundred oxen for an ox would not be fair. The point is to teach the thief a lesson by punishing him, not to bury him with an obligation that he’d have no hope of paying off so he could never be a contributing citizen again.

But a killer on the other hand, *shall surely be put to death*. Why “surely”? To prevent the killer from buying his way out by paying a fine. Also, to strip power from liberal judges who want to be lenient. Many judges would rather substitute lesser penalties than capital punishment, like for instance a life sentence which always has a chance of parole. Or they water down the law by allowing absurd pleas like momentary insanity, or the hit man is a minor, or tainted evidence, or the arresting officer failed to read the murderer his Maranda rights before opening the trunk and finding a dead body. Don’t laugh. It happens. “Surely” means you *must* execute the murderer and not look for legal loopholes to acquit. The court has no excuse for not doing that. Under the law, that is God’s law, executing murderers is the court’s God given duty that the judge and other officers of the court may not abrogate. But American law has turned itself into a game, a contest between opposing attorneys so that as in a recent case a jury acquitted a child murderer, not because they thought she was innocent, but because they thought the defense attorney did a better job than the defense attorney. The fundamental notions of guilt and innocence somehow got lost in the minutia of jurisprudence.

Ecclesiastes 8:11 Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil.

The duty of law is to keep us civil and peaceful so that we can enjoy life safely. When judges get it into their head that their duty is to criminals, to be compassionate and understanding, they are abrogating their duty. Their duty is to stop evil.

Parole boards have the nasty job of releasing criminals back to society because they are deemed “rehabilitated.” When a dangerous criminal re-offends and kills someone, I do wish that the parole board members were held personally liable for the crime and could be sued by the families of victims. Maybe then parole board members would be more careful who they release.

[3] THE THREATENING LAW

We live in this interesting and bizarre conundrum: that although we cherish and long for freedom, without laws and government and actual police powers accrued to that government, we would soon be eating each other.

There's a thin line between freedom and anarchy, and anarchy doesn't work. Therefore, law, meaning civil law, is required, and we have to surrender a certain amount of our personal freedoms to it.

God is so determined that we should have law that it is *the* subject of these five revealed books that we call Torah. Jesus meant it when he said, "...and the second is like unto it, love thy neighbor as thyself." That is the purpose of law, to make us be good.

In that regard, the Mosaic law is no different than any other law in its purpose. The only difference is that Mosaic law came from God so we assume God got it right and it is therefore the model for all law. But the real point is not that Mosaic law came from God, but that *law* came from God. Civilizations everywhere should therefore create for themselves just and fair laws and its people should submit to them so long as those laws are just and fair. Law is God ordained because laws keep us civil, or are supposed to.

Ecclesiastes 8:10 Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil.

If courts will not enforce the law, then the society becomes crime ridden and a dangerous place to live.

[4] BUT JESUS TAUGHT FORGIVENESS

But didn't Christ teach forgiveness? Didn't he move us from law to grace? Yes, but grace isn't license. Paul, arguably the most forgiven person on the planet, understood grace better than anyone and he said this:

Romans 13:1 Let every soul be subject unto the higher powers [meaning government]. For there is no power but of God: the powers that be are ordained of God. :4 If thou do that which is evil, be afraid; for he [officers of the law] beareth not the sword in vain: for he is the minister of God a revenger to execute wrath upon him that doeth evil.

It is the duty of the higher powers (government) and ministers of God (the judge, the jury, the cop) to use the weapons of violence that God has given them (the sword, the gun, the hangman's noose) to execute wrath (justice) on evil doers (criminals).

So, even in the age of grace, does God approve of the law punishing criminals? He insists on it — in the New Testament just as in the Old Testament. If the law will not punish criminals, that is not an act of grace, but an act of cruelty against society and all its citizens, and a violation of God's express will.

Law, then, had its beginnings with a people who came out of slavery, created a nation with government and laws for justice, and thus created a civilization with an emphasis on civil. The Exodus story is the story of that people moving from slavery to freedom. Not absolute freedom, but freedom with laws which was the necessary compromise. That's the trade-off.

Do we want freedom? Yes, of course. Freedom is good. But absolute freedom descends into survival of the fittest. And since we also want civility, we have to accept laws, for without laws we become heartless brutes.

It is true, though, that Jesus taught that civilization would be better off founded on love rather than law. But whenever anything like that has been tried (socialism) it fails because men do not have the capacity to love as Jesus loved. And so we need laws.

I do believe that love is the glue that holds heaven together. But we don't have that perfect love yet. And until we do, let us at least strive for perfect law, or at least law that's good enough, whatever that means.

[5] WHAT THE LAW ACTUALLY SAYS

Nehemiah 8:8 So they read in the book in the law of God distinctly, and gave the sense, and caused them to understand the reading.

These people loved their law. They paid attention. And when it was being read, they stood, and they stood with respect for long periods of time.

Our courts today massacre the constitution. Judges ignore what it says, and add what it doesn't say, creating law of their choosing out of thin air, bending and twisting the constitution to their own political whims. Ezra and the Jewish people read it literally and gave *the sense*, meaning the sense of what it *actually* said, not of what they thought it *should* say which is what our judges do today.

Psalms 119:18 Open thou mine eyes, that I may behold wondrous things out of thy law. :97 O how I love thy law! It is my meditation all the day.

Why is God's law so great? Because it's revelation? Well that, but something else. It's great because it's *law*, *civil* law, and criminal law. It is our hope for civility, and God approved it (law generally), and he gave us an approved model version of it

Isaiah 8:20 To the law and to the testimony: if they speak not according to this word, it is because there is not light in them.

Judges, stick with the law and stop making up your own. As you drift further from the original law — that is, the Constitution — there is no light in you.

[6] THE BATTLE GOES ON

Proverbs 28:4 They that forsake the law praise the wicked: but such as keep the law contend with them.

You who claim to be righteous should be part of the battle against those who oppose and destroy the law. Understand that it is the wicked who what to get rid of the law and keep undercutting our Constitution and its guaranteed freedoms. It is the righteous who stand by the Constitution.

Proverbs 28:5 Evil men understand not judgment: but they that seek the LORD understand all things.

Evil people don't understand what all the fuss is about: why we have courts and police. They "understand not judgment." Their chime is just let us do our thing. But God lovers understand very well why we have laws, and that injustice happens if we abandon our laws. Anarchy may seem like the good life of ultimate liberty, but in fact it's the path to constant terror. We need our laws, but we could do with less of them and get back to the Constitution.

[7] OBEY THE LAW

Ecclesiastes 8:2 I counsel thee to keep the king's commandment, and that in regard of the oath of God.

What does the king's commandment have to do with an oath of God? Israel appears to have taken oaths of loyalty to its kings: to David (**2 Samuel 5:3** ...and King David made a league with them in Hebron before the LORD: and they anointed David king...), to Solomon (**1 Chronicles 29:24** And all the princes...submitted themselves unto Solomon...), and to Joash (**2 Kings 11:17** And Jehoiada made a covenant between the LORD and the king and the people...). So then obeying the king was more than civil duty, it was religious duty. To disobey the king was to disobey God.

Ezekiel 18:5 ...do that which is lawful...:8 He that hath...executed true judgment between man and man, :9 Hath walked in my statutes, and hath kept my judgments,...

There is a subtle difference between legal and lawful. Legal is the letter and lawful is the spirit. For an extreme example just to make the point, in Nazi Germany it was legal to murder Jews, but it was never lawful. No amount of legislation can make evil lawful. Here, Ezekiel asks us to be legal (walk in my statutes) *and* lawful (execute true judgments).

Roman 13:3 For Rulers are not a terror to good works, but to evil... :4 ... if thou do that which is evil, be afraid; for he beareth not the sword in vain, for he is the minister of God, a revenger to execute wrath upon him that doeth evil.

God gave the law real teeth; that is, the right and ability to execute corporal and capital punishment against evil doers. Without those police powers, the law would be impotent, able to enforce nothing; that's why "he beareth not the sword in vain."

[8] MAN'S LAWS VERSUS GOD'S LAWS

Here is the tension we cannot escape. Christians insist that it is right to obey the laws of the land. That's good advice, for survival if for no other reason. Mormons learned that lesson the hard way in 1890 when they ran afoul of anti-bigamy laws.

But what do you do if the laws of the land require you to violate the laws of God in such a direct way that you have no choice but to choose between men's laws versus God's laws? I can't tell you what to do, but I can tell you what the Bible says.

Daniel 6:7 ...whosoever shall ask a petition of any God or man for thirty days save of thee, O king, he shall be cast into the den of lions. :10 Now when Daniel knew that the writing was signed, he went into his house; and his windows being open in his chamber toward Jerusalem, he kneeled upon his knees three times a day an prayed, and gave thanks before his God, as he did aforesaid.

Not only did Daniel break the law by praying, he did it conspicuously and intentionally. He wanted everyone to know he was breaking the law. He wasn't hiding and he wasn't trying to avoid the consequences. He was challenging the unjust law and betting his life to do it.

[9] THE LAW AND OTHER NATIONS

There is the on-going question, are we talking about only Israel's Mosaic law or about the law in general; that is, the laws of all nations? Is only the Mosaic law valid because only the Mosaic law was revealed by God?

Ezekiel 5:7 Therefore thus saith the Lord God; Because ye multiplied more than the nations that are round about you, and have not walked in my statutes, neither have kept my judgments, neither have done according to the judgments of the nations that are around about you;

God here shows some respect for the laws of "the nations...around about you"; that is, laws in general. Not just Israel's "law" but the laws of other nations as well. If you won't keep God's laws, then at least keep some laws.

[10] THE LAW AND NATURAL LAW

Luke 16:17 And it is easier for heaven and earth to pass, than one tittle of the law to fail.

Laws are laws because they are immutable, outside of time. They just are. As are the laws of nature, so are the laws of justice and fairness. $2+2=4$ — always was and always will be, it just is. $E=mc^2$ — always was and always will be, it just is But it is just as true that murder is absolutely evil and unjust and therefore must be prevented or at least avenged. That is as much a law as gravity.

[11] THE LAW AND RELIGION

The general feeling among believers is that if I'm right with my religion then I am right with God. If I attend church, participate in the sacraments and ordinances, be good and believe, than all is okay.

That is not the message of the bible.

Proverbs 21:3 To do justice and judgment is more acceptable to the LORD than sacrifice.

In other words, how we deal with our fellow man in terms of justice impresses God more than church attendance and faith. Keep that in mind the next time you have a discussion with someone about, say, abortion, and ask yourself if you are as right with God as you think you are.

[12] A NATION MUST NOT ABANDON ITS OWN LAWS

Every nation, and Israel in particular, has two risks regarding their laws. The first risk is they can just ignore their own laws and do whatever they want.

Jeremiah 16:10 ...Wherefore hath the LORD pronounced all this great evil against us? ... :11 ...Because your fathers...have forsaken me, and have not kept my law.

The second is that can change their law to make it say whatever they want.

American law changes all the time, by congress, by activist judges, and by presidential decrees. Even our constitution seems to be in flux, it's called Plasticity of the Constitution, which means that the Constitution says whatever the courts say it says.

We run a great risk when courts sidestep the constitution in order to impose their own political agenda on the people. Courts destroy our constitution with clever legal machinations such as:

- Plasticity of the Constitution which courts use to bend law to their whims.
- Unenumerated rights which courts use to invent their own law.
- Settled law which courts use to freeze their damage in place.

Judges should execute law and not create law. When judges create law we call that legislating from the bench which is a usurpation and violates the American notion of separation of powers. When the power to legislate aggregates to the courts, then we have judicial tyranny and a real lose of democracy.

There is a second reason that courts should not legislate, and that is this: Courts cannot, by their very nature, act with unanimity — as opposed to legislatures which *must*, by their nature, act with unanimity. With legislatures, there is always an “excluded middle” — i.e.: every bill will or will not become law. No bill will be caught somewhere in the middle because a vote will finally settle the bill's fate. But courts, on the other hand, never agree. Judges are independent from each other and have different opinions. So, what “the courts” do with any law depends on which court happens to be dealing with that law at the moment. “The courts” do not get together and vote as does a legislature, judges just decree. And that's dangerously close to anarchy.

My college philosophy teacher described the excluded middle with this example: it's either raining or it's not. It is never both, never neither, and never somewhere in between. But when courts create law, they create all sorts of legal confusion. Courts then, when they legislate, are in fact destroying law with their chaos.

Finally, there is a third reason courts ought not to make laws, which is that our Constitution and Israel's Mosaic law are our only real guarantee of civility and liberty, and when courts compromise it, we move ever close to outright tyranny; that it, governance by absolute decree. This is why —

Deuteronomy 4:2 *Ye shall not add to the word which I command you, neither shall ye diminish ought from it, that ye may keep the commandments of the LORD your God which I command you.*

The Torah prevents modifications to the Torah. No amendments, no congress passing laws, no judges legislating from the bench, no president issuing presidential orders that become law, none of that. All Israel had was the law and judges that litigated cases based on that law and case facts. That's all. Then came the kings and that's a whole different story.

Ancient Israel understood (as apparently we don't understand) that altering the law moves us away from God's will, and in our case, away from the liberties guaranteed by the bill of rights.

This is why ancient Israel had judges and not law makers. They already had law, they had *the* law, and they didn't need more law. They didn't need judges to pursue an endless quest of "discovery," which, incidentally, was Jesus' particular grievance against the scribes and the Pharisees, who continually "swallowed the camel and gagged at the gnat." In other words, they interpreted the law to death and turned it into a whole bunch of legal mumbo jumbo that God never said and never meant.

What the Jews needed was judges who judged, who applied the law, determined guilt and innocence, and let it go at that. And that's what we need too.

God was disappointed when Israel demanded a king, and God warned them that a king will go way beyond the law and he will take, he will take, he will take (*1 Samuel 8:11-17*).

Today we have the same dangers, only those dangers come from our courts. We have judges who act like kings, creating new law whatever suits them, destroying the intent of our constitution and with it, our liberty.